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M. TULLII CICERONIS

ORATIO PRO T. ANNIO MILONE:

CHIEFLY

FROM THE TEXT OF ORELLE.

WITH

ENGLISH EXPLANATORY NOTES,

&c. &c.

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CAMBRIDGE: W. P. GRANT.

MDCCCXLII.

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BIBLIOTHECA · BODLEIANA

CHRONOLOGY

OF THE PERIOD IN WHICH FLOURISHED

MARCUS TULLIUS CICERO.

A. U. C. 647. B. C. 106. Cic. 1.

Consss. *Q. Servilius Cæpio, C. Attilius Serranus.*

Marcus Tullius Cicero is born at Arpinum, a town of the Volsci, in Latium, on the third of the Nones of January. His father was Marcus Tullius, a Roman knight. His mother's name was Helvia; and she was of good family. His father, though lineally descended from the ancient kings of the Sabines, had never enjoyed any curule office; and on that account Cicero frequently calls himself *novus homo*, as being the first of his family who had raised himself to such a magistracy.

Cicero was brought up with his cousins, the sons of C. Aculeo, a Roman knight who married his mother's sister. Their studies were directed by L. Crassus, a man of the first dignity, as well as the first eloquence, in Rome, and by those very masters whom Crassus himself made use of.

In this year, Jugurtha is driven out of Numidia by C. Marius; but receives aid from Bocchus, king of Mauritania.—He is delivered up, in chains, to Marius, by Bocchus.—L. Cornelius Sylla conducts himself bravely in this war.

Cn. Pompey is born on the 30th of September.

A. U. C. 648. B. C. 105. Cic. 2.

Consss. *P. Rutilius Rufus, Cn. Mallius.*

Cn. Mallius, the consul, and Q. Servilius Cæpio, proconsul, taken prisoners by the Cimbrians.

A. U. C. 649. B. C. 104. Cic. 3.

Consss. *C. Marius* II., *C. Flavius Fimbria.*

Jugurtha is led in triumph by C. Marius, and put to death in prison.—Marius enters the senate in his triumphal habit; the first person who ever did so.

A. U. C. 650. B. C. 103. Cic. 4.

Conss. *C. Marius* III., *L. Aurelius Orestes.*

Marius prepares an army, and marches against the Cimbrians.—The Sicilian slaves rebel, and are headed by Athenion. Cicero gives this name to Clodius, as being the leader of vulgar and infamous characters. Comp. Att. II. 12. Verr. II. 54.

A. U. C. 651. B. C. 102. Cic. 5.

Conss. *C. Marius* IV., *Q. Lutatius Catulus.*

Marius conquers the Teutons, with great slaughter.

Archias the poet comes to Rome, with a high reputation for learning and poetry; and lives in the family of Lucullus, with liberty of teaching, together with his patron's children, others of the youthful nobility.

A. U. C. 652. B. C. 101. Cic. 6.

Conss. *C. Marius* V., *M. Aquillius.*

C. Marius, and Q. Catulus, proconsul, conquer the Cimbrians.—M. Aquillius puts an end to the Servile war.

A. U. C. 653. B. C. 100. Cic. 7.

Conss. *C. Marius* VI., *L. Valerius Flaccus.*

Cicero's father, encouraged by the promising genius of his son, spares neither cost nor pains to improve it by the help of the ablest masters; and, among other instructors of his early youth, puts him under the care of the poet Archias.

L. Apuleius Saturninus, tribune of the people, procures an Agrarian law, and summons Metellus Numidicus to trial before the people, for refusing to swear to it. Metellus goes into voluntary banishment, to Rhodes.—Saturninus kills Memmius, who was candidate for the consulship, and effects the election of C. Servilius Glaucia.—Saturninus and Glaucia are slain. The head of Saturninus is carried about by Rabirius a senator. See A. U. C. 690.

C. Julius Cæsar is born, on the 12th of June.

A. U. C. 654. B. C. 99. Cic. 8.

Conss. *M. Antonius, A. Posthumius Albinus.*

Metellus Numidicus is recalled from banishment; and Furius, who opposed his return, is torn to pieces by the people.—The Lusitani are conquered by Dolabella.

A. U. C. 655. B. C. 98. Cic. 9.

Conss. *Q. Cæcilius Metellus Nepos, T. Didius.*

The *Lex Cæcilia-Didia* enacted. It required that no more than one single matter should be proposed to the people in one question; lest by one word they should inadvertently give their assent to a whole bill, which might contain some clauses worthy to be approved, and others unworthy. It required that every law, before it was preferred, should be exposed to public view on three market-days.

A. U. C. 656. B. C. 97. Cic. 10.

Conss. *Cn. Cornelius Lentulus, P. Licinius Crassus.*

Antonius, the censor, adorns the Rostra with spoils.—Human sacrifices forbidden, by a decree of the senate.

A. U. C. 657. B. C. 96. Cic. 11.

Conss. *Cn. Domitius Aënobarbus, Cassius Longinus.*

Ptolemy Apion dies, and wills Cyrene to the Roman people.

A. U. C. 658. B. C. 95. Cic. 12.

Conss. *L. Licinius Crassus, Q. Mucius Scævola.*

The *Lex Mucia-Licinia* enacted by these consuls. It ordered all the inhabitants of Italy to be enrolled in the list of citizens, in their respective cities.

A. U. C. 659. B. C. 94. Cic. 13.

Conss. *Cæcilius Caldus, L. Domitius Aënobarbus.*

A. U. C. 660. B. C. 93. Cic. 14.

Conss. *C. Valerius Flaccus, M. Herennius.*

T. Didius triumphs over the Celtiberians, and P. Licinius Crassus over the Lusitani.—P. Rutilius, a man of the greatest integrity and innocence, is accused of extortion, condemned, and banished.

A. U. C. 661. B. C. 92. Cic. 15.

Conss. *C. Claudius Pulcher, M. Perperna.*

Ariobarzanes restored to his kingdom of Cappadocia, by L. Sylla.

A. U. C. 662. B. C. 91. Cic. 16.

Conss. *L. Marcius Philippus, Sextus Julius Cæsar.*

Cicero, having finished the course of his puerile studies, takes the manly gown, and is introduced into the forum.—About this time he

composes a poem in Latin tetrameters, called Glaucus Pontius, which was extant in the time of Plutarch.—He translates the Phænomena of Aratus into Latin verse.

The Social war begins.

A. U. C. 663. B. C. 90. Cic. 17.

Conss. *L. Julius Cæsar, P. Rutilius Lupus.*

Cicero is placed under the care of Q. Mucius Scævola, the augur, the principal lawyer, as well as statesman, of the present age; who had passed through all the offices of the republic with a singular reputation of integrity.—He gives himself up wholly to eloquence.

The Social war is carried on with various success; in which the Romans suffer more severely than their enemies.

A. U. C. 664. B. C. 89. Cic. 18.

Conss. *Cn. Pompeius Strabo, L. Porcius Cato.*

Cicero makes a campaign with the consul Cn. Pompeius Strabo, in the Marsic war; and is present at a conference between the consul and the general of the Marsi.—Serves as a volunteer under Sylla, and is engaged in the action against the Samnites under the walls of Nola. Comp. Div. I. 33. II. 30. Pliny N. H. XXII. 6.

A. U. C. 665. B. C. 88. Cic. 19.

Conss. *L. Cornelius Sylla, Q. Pompeius Rufus.*

Philo, the Academic, comes to Rome. Cicero becomes his pupil.

The Social and Marsic wars are ended.—Civil war between Sylla and Marius.—The latter is driven from Rome, and escapes to Africa.

A. U. C. 666. B. C. 87. Cic. 20.

Conss. *Cn. Octavius, L. Cornelius Cinna.*

The consul Cinna, attempting to reverse all the acts of Sylla, is driven out of the city by his colleague, and deposed. He raises an army, and recals Marius. Both enter Rome, and put all Sylla's friends to the sword. Among the rest fell, Cn. Octavius, L. and C. Cæsar, P. Crassus, and the orator M. Antonius.

The transactions of the forum are greatly interrupted by these civil dissensions; in which some of the best orators are killed, others banished. Cicero, however, attends the harangues of the magistrates, who possessed the rostra in their turn; and being now about the age of twenty, draws up those rhetorical pieces, which remain, on the subject of *Invention*.

Milo the Rhodian, one of the principal orators of the age, comes to Rome about this time; and Cicero takes the benefit of his lectures, and resumes his oratorial studies with his former ardour. — Diodorus, the Stoic, is his preceptor at home; who, amongst other things, instructs him in Logic.

A. U. C. 667. B. C. 86. Cic. 21.

Conss. *C. Marius* VII., *L. Cornelius Cinna.*

Marius and Cinna, having got the republic into their own hands, declare themselves consuls. — Marius dies on the sixteenth day of his consulship. Cinna appoints, in his stead, L. Valerius Flaccus, whom he sends into Asia to replace Sylla, now declared an enemy, and to carry on the war against Mithridates.

A. U. C. 668. B. C. 85. Cic. 22.

Conss. *L. Cornelius Cinna, Cn. Papirius Carbo.*

Cinna declares himself consul a third time; and appoints Carbo his colleague, in the room of L. Valerius Flaccus, who was killed by his lieutenant Fimbria. — Fimbria conducts himself with the greatest cruelty in Africa. — Sylla concludes a peace with Mithridates; and turns his arms against Fimbria, who, being deserted by his own soldiers, commits suicide in the temple of Æsculapius.

A. U. C. 669. B. C. 84. Cic. 23.

Conss. *L. Cornelius Cinna, Cn. Papirius Carbo.*

Sylla, having settled affairs in Asia, leaves Murena there in the command of two legions, and returns to Italy. While Cinna and Carbo are preparing a vigorous defence, the former is assassinated at Ancona, by one of his own soldiers, in revenge for some private injury. Carbo is sole consul for the remainder of the year.

Cicero exercises himself almost daily in oratory; sometimes declaiming in Latin, but oftener in Greek. — He translates some Books of Xenophon and Plato.

A. U. C. 670. B. C. 83. Cic. 24.

Conss. *L. Cornelius Scipio Asiaticus, C. Norbanus Flaccus.*

The consuls and Carbo march against Sylla, and are defeated. Carbo returns to Rome, and obtains a decree of the senate pronouncing Sylla and his adherents enemies to the state.

The Capitol is burned.

A. U. C. 671. B. C. 82. Cic. 25.

Conss. *Cn. Papirius Carbo, Cn. Marius Gratidianus.*

Carbo is declared consul a third time, having for his colleague Gratidianus, the adopted son of C. Marius. Gratidianus engages with Sylla, is defeated, and commits suicide. The latter marches to the city; and there falling in with the consular army, obtains the victory, leaving eighty thousand of his opponents dead on the plain, and taking twelve thousand prisoners.—Cn. Pompey is sent into Sicily, where he kills Carbo.

Sylla, having subdued all who were in arms against him, takes full revenge on their friends and adherents; in which, by the detestable method of a proscription, he exercises a more infamous cruelty than had ever been practised in cold blood in any city. The proscription is not confined to Rome, but carried through all Italy. — In this general destruction of the Marian faction, Julius Cæsar with great difficulty escapes with his life. He was nearly allied to Marius; and had married Cinna's daughter, Cornelia, by whom he had Julia.

The proscriptions being over, L. Flaccus is chosen interrex; who declares Sylla dictator, with unlimited power, for settling the state of the republic.

A. U. C. 672. B. C. 81. Cic. 26.

Conss. *M. Tullius Decula, Cn. Cornelius Dolabella.*

Sylla now having the republic wholly in his own hands, suffers the above to be created consuls. — Pompey triumphs over Hiarbas, king of Numidia, and Cn. Domitius, one of the proscribed persons, whom he vanquished and killed in Africa. — The Sertorian war commences.

Cicero pleads the cause of P. Quintius before Aquillius Gallus, as judge.—Milo comes a second time to Rome, and Cicero avails himself of his instruction.

A. U. C. 673. B. C. 80. Cic. 27.

Conss. *L. Cornelius Sylla* II., *Q. Cæcilius Metellus.*

Cicero defends Sextus Roscius of Ameria, who was unjustly accused of parricide; and Roscius is acquitted, to the great honour of Cicero, and displeasure of Sylla. Comp. Offic. II. 14. — Presently after this trial, he travels abroad, on pretence of his health, but in reality to avoid the effects of Sylla's displeasure.

M. Thermus takes Mitylene, and adds it to the Roman territory. — Sylla abdicates the dictatorship, and retires to Cumæ.

A. U. C. 674. B. C. 79. Cic. 28.

Consss. *P. Servilius Vatia Isauricus, Appius Claudius Pulcher.*

Cicero sets forward on his travels to Greece and Asia; the fashionable tour of all those who travelled either for curiosity or improvement. — He first visits Athens, and renews his early studies under the philosopher Antiochus; and, in company with his school-fellow T. Pomponius, afterwards named Atticus, frequently attends the lectures of the Epicureans, Phædrus, and Zeno.

A. U. C. 675. B. C. 78. Cic. 29.

Consss. *M. Æmilius Lepidus, Q. Lutatius Catulus.*

Sylla dies, of a filthy disease, at Cumæ.

Cicero now, at the request of his friends, prepares to return to Rome. — He calls at Rhodes, and receives further instruction from Milo.

Pompey besieges Mutina; which is defended by M. Brutus, whom he captures, and puts to death.—Sertorius gains some victories over the Romans in Spain.

A. U. C. 676. B. C. 77. Cic. 30.

Consss. *D. Junius Brutus, Æmilius Lepidus Livianus.*

Cicero visits the Delphic Oracle, and, on inquiring "by what means he might arrive at the height of glory," receives this answer: *By making his own genius, and not the opinion of the people, the guide of his life.* — He arrives in Rome, and receives the contemptuous appellation of *Græculus.* — He is supposed to have married Terentia in this year.

Pompey is sent, as proconsul, to assist Q. Metellus Pius, in Spain, against Sertorius.

A. U. C. 677. B. C. 76. Cic. 31.

Consss. *Cn. Octavius, C. Scribonius Curio.*

Cicero pleads for Roscius the comedian.—Puts up for the quæstorship, at the same time that Cotta seeks the consulship; and is chosen by the unanimous votes of all. — Hortensius sues for the ædileship, and is also successful.

At this time there reigned in the forum two orators of noble birth and great authority, Cotta and Hortensius, whose glory inflamed Cicero with an emulation of their virtues. Cotta's way of speaking was calm and easy, flowing with great elegance and propriety of

diction: Hortensius' manner was sprightly, elevated, and warming both by his words and actions. See notes on c. 14.

Cn. Pompey and Q. Metellus carry on the war, with various success, against Sertorius.

A. U. C. 678. B. C. 75. Cic. 32.

Conss. *L. Octavius, C. Aurelius Cotta.*

Cicero goes as quæstor into Sicily, under the prætor Sextus Peducæus.—Corn being very scarce this year in Rome, large supplies are required from Sicily. Cicero has great difficulty in furnishing a sufficiency, without being at the same time grievous to the natives: yet he manages the matter with so much prudence, that he makes large exportations without any burden to the province; shewing great courtesy at the same time to the dealers, justice to the merchants, generosity to the inhabitants, humanity to the allies; and, in short, doing all kinds of good offices to every body: by which he gains the love and admiration of all the Sicilians, who decree greater honours to him, at his departure, than they had ever before decreed to any of their chief governors. Comp. Planc. c. 26.

A. U. C. 679. B. C. 74. Cic. 33.

Conss. *L. Licinius Lucullus, M. Aurelius Cotta.*

Cicero, in departing from Sicily, addresses the natives at Lilybæum, and assures them of his protection in all their affairs at Rome.

Nicomedes leaves Bithynia, by will, to the Romans. — Mithridates seizes on Bithynia, and defeats the consul Cotta at Chalcedon. — Sertorius gains a victory over Pompey. — M. Antonius, the prætor, father of the triumvir, is unsuccessful against the pirates.

A. U. C. 680. B. C. 73. Cic. 34.

Conss. *M. Terentius Varro Lucullus, C. Cassius Varus.*

L. Lucullus, consul of the former year, defeats Mithridates, in an action between their cavalry, and makes several successful expeditions. — Insurrection of the gladiators, under Spartacus; which Cicero calls the Servile war. — Pompey is successful against Sertorius, in Spain.

A. U. C. 681. B. C. 72. Cic. 35.

Conss. *L. Gellius Poplicola, Cn. Cornelius Lentulus Clodianus.*

L. Lucullus, proconsul, destroys the army of Mithridates, by sword and famine, at Cyzicus. The king, driven from Bithynia, having

suffered much, in several engagements and shipwrecks, is, at length, obliged to fly to Pontus.—Sertorius is slain at a feast, by M. Perperna, who takes the command of his army. Perperna himself is conquered, captured, and put to death by Pompey. — Spartacus conquers the Romans in several battles.

A. U. C. 682. B. C. 71. Cic. 36.

Consss. *Cn. Aufidius Orestes, P. Cornelius Lentulus Sura.*

M. Crassus, the prætor, drives the insurgent gladiators to Rhegium; where, for want of vessels to makē their escape, the greatest part of them is destroyed, and among them their general Spartacus, fighting bravely to the last, at the head of his desperate troops. Crassus obtains the honour of an ovation.—Lucullus defeats Mithridates; and compels him to fly for refuge to Tigranes, king of Armenia.—Pompey returns to Rome and obtains a triumph, while he is still only a private citizen, and of equestrian rank.

A. U. C. 683. B. C. 70. Cic. 37.

Consss. *M. Licinius Crassus, Cn. Pompeius Magnus.*

Cicero had pleaded many causes, from the time of his quæstorship up to the present year; yet all his orations are lost, and among them those for M. Tullius and L. Varenus, which are mentioned by Quintilian and Priscian. — He pleads against Verres, in favour of the Sicilians. — The Lex Aurelia enacted by L. Aurelius Cotta, to invest the senatorian and equestrian orders, and the tribunes of the treasury with judicial power. — See notes on c. 2.

A. U. C. 684. B. C. 69. Cic. 38.

Consss. *Q. Hortensius, Q. Cæcilius Metellus Creticus.*

Cicero becomes curule ædile.—He receives many presents from the Sicilians, none of which he converts to his own use. —He avails himself of their liberality to supply the city with provisions. — He pleads for Fonteius.

L. Lucullus defeats Mithridates and Tigranes, with their vast armies, in Armenia, in several battles.—M. Pupius Piso triumphs over the Spaniards.

A. U. C. 685. B. C. 68. Cic. 39.

Consss. *L. Cæcilius Metellus, Q. Marcius Rex.*

Clodius, now serving under Lucullus, in the war against Mithridates, excites a sedition against the general, and greatly impedes his

operations against Nisibis. Comp. de Arusp. Resp. c. 20. — Q. Metellus, proconsul, renews the war against the pirates.

A. U. C. 686. B. C. 67. Cic. 40.

Consss. *C. Calpurnius Piso, M. Acilius Glabrio.*

Triarius, the lieutenant of Lucullus, is conquered by Mithridates, who takes possession of the Roman camp. — Pompey puts an end to the war against the pirates.

Cicero is declared prætor, by the suffrages of all the centuries.

A. U. C. 687. B. C. 66. Cic. 41.

Consss. *M. Æmilius Lepidus, L. Volcatius Tullus.*

Cicero enters on his prætorship on the Calends of January. In this office he acquires a great reputation for integrity, by the condemnation of Licinius Macer, for extortion. Licinius was a person of prætorian dignity and great eloquence, and supported by the influence of Crassus; and Cicero gains more honour and service by his conviction, than he could have obtained by his friendship and interest, if he had acquitted him. Comp. Att. I. 4.

Manilius, one of the new tribunes, proposes a law, that Pompey, who was now in Cilicia, extinguishing the remains of the Piratic war, should have the government of Asia added to his commission, with the command of the Mithridatic war, and of all the Roman armies in those parts. Cicero for the first time ascends the rostra, and supports this law with all his eloquence, in a speech still extant (*pro Lege Manilia*); in which, in displaying the character of Pompey, he draws the picture of a consummate general, with all the strength and beauty of colours which words can give.

In this year also he defends Aulus Cluentius, and pleads the cause of M. Fundanius. And, as a proof of his industry, though he is now in full practice of pleading, yet he frequents the school of the celebrated rhetorician Gnipho. Comp. Sueton. de Cl. Gram. c. 7. Macrob. Sat. III. 12.

His magistracy being now nearly at an end, Manilius is accused before him of rapine and extortion: and though ten days were always allowed to the accused to prepare his defence, he appoints the very next day for the trial. Hereupon the tribunes call Cicero to an account, for treating Manilius so harshly. He defends himself by saying, "that as it had always been his practice to treat accused parties with humanity, he had no design of acting otherwise towards

Manilius; on the contrary, he had appointed that short day for the trial, because it was the only one of which he was master; and that it was not the part of those who wished well to Manilius, to throw off the cause to another judge." This effects a wonderful change in the minds of the audience, who, applauding his conduct, request him to undertake the defence of Manilius; to which he consents, and, stepping up again into the rostra, lays open the source of the whole affair, with many severe reflections on the enemies of Pompey. The trial however is dropped, on account of succeeding tumults.

P. Autronius Pætus and P. Cornelius Sylla are declared consuls for the ensuing year; but being accused of bribery and corruption under the Calpurnian law, and found guilty, they forfeit the consulship to their competitors L. Manlius Torquatus and L. Aurelius Cotta.

L. Catiline, who had been prætor in Africa, comes to Rome, to appear also as candidate at this election; but being accused of extortion and rapine in his government, he is not permitted to canvass. This disgrace induces the disappointed parties to engage in a conspiracy against the state, in which it was resolved to assassinate the new consuls. Comp. Sallust, Catil. c. 18.

A. U. C. 688. B. C. 65. Cic. 42.

Conss. *L. Aurelius Cotta, L. Manlius Torquatus.*

In this year happen many prodigies, which Cicero describes in verse.—Cicero declines accepting a foreign province, the usual reward of having discharged the prætorship, because he intended applying for the consulship the following year.

He defends, for the space of four days, C. Cornelius, one of the late tribunes, who was accused of treasonable practices during his magistracy. These pleadings, which are now lost, are highly commended by Quintilian, VIII. 3. Comp. Orat. c. 67. 70.

Catiline is now brought to trial by P. Clodius (a young nobleman as profligate as himself), for his oppressions in Attica. He solicits Cicero to undertake his defence; who is much inclined to do so: on reflection, however, he begs to be excused. Comp. pro Cœl. c. 6. pro Syll. c. 29. Clodius for a sum of money betrays the cause, and suffers him to escape. Comp. Harusp. Resp. c. 20.

A. U. C. 689. B. C. 64. Cic. 43.

Conss. *L. Julius Cæsar, C. Marcius Figulus.*

Cicero being now in his forty-third year, the proper age required by law (Philip. V. 17.), offers himself a candidate for the consulship,

along with six competitors, L. Sergius Catilina, P. Sulpicius Galba, C. Antonius, L. Cassius Longinus, Q. Cornificius, and C. Licinius Sacerdos. At this election, Antonius and Catiline carry on the practice of bribery to a most shameful height. The senate interfere, to check it; but are prevented by the tribune, L. Mucius Orestinus. Hereupon Cicero rises from his place in the senate-house, and inveighs most severely against the coalition of Antonius and Catiline.—Cicero is unanimously declared first consul, and Antonius chosen his colleague.

In this year, Cicero defends Q. Gallus on a charge of bribery, because, while a candidate for the prætorship, he entertained the people with gladiatorial exhibitions.

Cicero's father dies at an advanced age.—Tullia, Cicero's daughter, is married to C. Piso Frugi.

A.U.C. 690. B.C. 63. Cic. 44.

Coss. *M. Tullius Cicero, C. Antonius.*

Catiline now, with many dissolute and desperate Romans, conspires against the state, and to murder Cicero. In this dilemma, he accuses Catiline of treason, in a full senate; but his evidence not being clear, his efforts to fix the guilt prove unavailing. He stands, however, upon his guard, and, by information of his friends and the discovery of Fulvia, his life is saved from the dagger of Cethegus, whom Catiline had sent to assassinate him. Cicero now, by a master-stroke of policy, endeavours to drive Catiline out of the city, and force him, as it were, into a rebellion before it is ripe; in the hope that, by carrying out with him his accomplices, he would clear the city at once of the whole faction; or by leaving them behind, without his counsel to guide them, would expose them to sure destruction by their own rashness and folly. Accordingly, he commands Catiline, in the senate, to leave the city; and the desperate conspirator marches out in triumph, to join the army now assembled to support his cause. His whole force are destroyed by Petreius, Antony's lieutenant. Catiline dies, fighting bravely. The other conspirators are punished with death.

The consulship of Cicero was the glory of his manhood, and the favourite theme of his old-age. Amidst storms and quicksands, he had steered the vessel of the state with courage and dexterity. When, on the expiration of his authority, he was about to take the usual oath, that he had discharged the trust reposed in him with fidelity, and to accompany it with a speech, Metellus, one of the tribunes, would not

suffer him to speak, or to do any thing else, than barely take the oath; declaring, that he, who had put citizens to death unheard, ought not to be permitted to speak for himself. Whereupon Cicero, instead of pronouncing the ordinary form of oath, exalting the tone of his voice, swears out aloud, so as all the people might hear him, that he had saved the republic and the city from ruin: which the multitude confirm with a shout, declaring that what he had sworn was true. Comp. in Pison. c. 3. Fam. V. 2.

A. U. C. 691. B. C. 62. Cic. 45.

Consss. *D. Junius Silanus, L. Licinius Murena.*

Metellus now continues to raise a clamour against Cicero, for having put citizens to death without trial; in which he is supported by Cæsar, who exercises the office of prætor. These magistrates finding it impossible to carry out their plans, against the authority of the senate, without the assistance of Pompey, are resolved to draw him into their measures. Accordingly, Metellus publishes a law, to call him home with his army, in order to settle the state, and quiet the public disorders raised by the temerity of Cicero. This is resisted by the senate, who suspend both Cæsar and Metellus. The latter flies to Pompey. Comp. Sueton. Cæs. c. 16. Cicero, in the mean time, publishes an invective oration against Metellus, which he calls *Metellina.* Comp. Att. I. 13.

P. Sylla is accused of conspiring twice with Catiline. He is defended by Hortensius and Cicero. He is acquitted.

Pompey puts an end to the Mithridatic war.

Towards the end of this year, P. Clodius pollutes with his presence the awful and mystic rites of the Bona Dea.

A. U. C. 692. B. C. 61. Cic. 46.

Consss. *M. Pupius Piso, M. Valerius Messala.*

The crime of P. Clodius is laid before the senate; where it is resolved to refer it to the college of Priests, who declare it to be an abominable impiety; upon which the consuls are ordered to provide a law for bringing Clodius to trial before the people. See notes on c. 5. and 22. Clodius attempts to prove an *alibi;* and brings forward persons to swear that he was then at Interamna, about two or three days' journey from the city. But Cicero being called, deposes, that Clodius had been with him that very morning at his house in Rome. Comp. Att. I. 16. Val. Max. VIII. 5. Sueton. J. Cæs. c. 74. The

judges are tampered with, through the instrumentality of Crassus, and Clodius escapes. This was the source of Clodius' hostility to Cicero.

Cicero pleads for Archias the poet.

Pompey triumphs over Mithridates.

A. U. C. 693. B. C. 60. Cic. 47.

Conss. *Q. Cæcilius Metellus Celer, L. Afranius.*

Clodius, in order to qualify himself for the tribunate, descends from the patrician to the plebeian rank. In his petition for the tribuneship, he is opposed by his relative Metellus.

Cicero writes the Memoirs of his Consulship in Greek; a copy of which he sends to Atticus, and another to Posidonius of Rhodes. He also composes a Latin poem on the same subject, in three Books, each inscribed to one of the Muses. Comp. Att. I. 19. II. 3. ad Q. Fr. II. 9. de Divin. II. 11.

A. U. C. 694. B. C. 59. Cic. 48.

Conss. *C. Julius Cæsar, M. Calpurnius Bibulus.*

Antony, Cicero's colleague in the consulship, is accused of maladministration in the province of Macedonia, by Cœlius; and is defended by Cicero. He is condemned, and goes into exile.—P. Clodius is adopted by the plebeian Fonteius, and obtains the tribuneship.—Cicero defends Thermus and Valerius Flaccus, men of prætorian dignity; who are both acquitted.

A. U. C. 695. B. C. 58. Cic. 49.

Conss. *L. Calpurnius Piso Cæsonius, A. Gabinius.*

Clodius, now tribune, enacts several popular laws, with a design of introducing, with better grace, the banishment of Cicero. He accordingly proposes a law to this effect, "that whoever had taken the life of a citizen, without trial and uncondemned, should be prohibited from fire and water." And, in order to secure the friendship of the consuls, he promises the provinces of Syria, Babylonia, and Persia, to Gabinius; Achaïa, Thessaly, Greece, Macedonia, and all Bœotia, to Piso. See notes on c. 14. Cicero goes into banishment. In one of the stages of his flight, being lodged at the villa of a friend, after a restless night, he falls into a sound sleep near day-break, and on awaking relates the following dream:—He seemed to be wandering disconsolate in a lonely place: C. Marius, with his fasces wreathed

with laurel, accosted him, and demanded why he was so melancholy; and when he answered that he was driven out of his country by violence, Marius took him by the hand, and bidding him be of courage, ordered the nearest lictor to conduct him into his monument, telling him, that there he should have safety. Upon hearing this dream, the company presently cried out, that he would have a quick and glorious return.

As soon as it is known that Cicero was gone, Clodius fills the forum with his band of slaves and incendiaries, and publishes another law, conceived in the following terms: *Whereas M. T. Cicero has put Roman citizens to death, unheard, and uncondemned; and for that end forged the authority and decree of the senate: may it please you to ordain, that he be interdicted from fire and water; that no person presume to harbour or receive him, on pain of death; and that whoever shall move, speak, vote, or take any step towards recalling him, shall be treated as a public enemy; unless those should first be called to life, whom Cicero unlawfully put to death.* Comp. pro Dom. c. 18. 19. 20. post Red. in Sen. 2.

This law being passed, Clodius loses no time in putting it into execution. He immediately plunders and demolishes Cicero's houses, both in the city and in the country. The best part of his goods are divided between the two consuls; the marble columns of his Palatine house are carried publicly to Piso's father-in-law; and the rich furniture of his Tusculan villa to his neighbour Gabinius; who removes even the trees of his plantations into his own grounds. And to make the loss of his house in Rome irretrieveable, Clodius consecrates the area on which it stood, to the perpetual service of religion, and builds a temple upon it to the goddess of Liberty.

Clodius proposes another law against Ptolemy, king of Cyprus, to deprive him of his kingdom, and reduce it to a Roman province, and confiscate his whole estate. See notes on c. 27.

Cicero being now gone about two months, his friend Ninnius, the tribune, makes a motion in the senate to recal him, and repeal the law of Clodius; to which the whole house readily agree, with eight of the tribunes; but one of the other two, Ælius Ligus, interposes his negative: they proceed, however, to a resolution, that no other business should be transacted, till the consuls had actually prepared a new law for the purpose.

Clodius seizes the son of Tigranes, Pompey's prisoner, and undertakes to give him his liberty for a large sum of money. See notes on

c. 7. and comp. pro Dom. c. 25. This affront rouses Pompey to think of recalling Cicero, as well to correct the arrogance of Clodius, as to retrieve his credit, and ingratiate himself with the senate and people. He gives a hint of his intention to some of Cæsar's friends, and particularly to Atticus: he is unwilling, however, to attempt it, without first sending to Cæsar in Gaul, to consult him about it.

The city is now alarmed by the rumour of a plot against Pompey's life, said to be contrived by Clodius, one of whose slaves was seized at the door of the senate, with a dagger, which his master had given him, as he confessed, to stab Pompey: which, being accompanied with many daring attacks on Pompey's person by the mob of Clodius, makes him resolve to retire from the senate and the forum, till Clodius was out of his tribuneship; and shut himself up in his own house, whither he is still pursued and actually besieged by Damio, one of Clodius' freedmen. An outrage so audacious could not be overlooked by the magistrates, who come out with all their force to seize Damio. Upon this, a general engagement ensues, in which Gabinius is forced to break his league with Clodius, and fight for Pompey; but Piso stands firm to his contract, and fights on the side of Clodius, till his fasces are broken, and himself wounded, and forced to retreat.

The consuls elect for the following year are P. Cornelius Lentulus and Q. Metellus Nepos. The former is Cicero's warm friend; the latter, his old enemy. Lentulus, immediately after his election, revives the motion of Ninnius, and proposes a vote to recal Cicero. Clodius interrupts him respecting the penal part of the law. Lentulus declares it to be no law, but a mere proscription, and an act of violence.

Sextius, one of the tribunes elect, being entirely devoted to Cicero, takes a journey into Gaul, to solicit Cæsar's consent to his restoration.

A. U. C. 696. B. C. 57. Cic. 50.

Conss. *P. Cornelius Lentulus, Q. Cæcilius Metellus Nepos.*

The first act of the consul Lentulus is to move the senate for the restoration of Cicero. Metellus also declares in his favour. Lucius Cotta, being asked his opinion, says, that nothing had been done against Cicero legally, or agreeably to the custom of their ancestors; that no citizen could be driven out of the city without a trial; and that since Cicero was not expelled by any law, he could not want a law to restore him, but ought to be recalled by a vote of the senate. S. Attilius Serranus, one of the tribunes, who had been bribed by Clodius, puts a stop to the proceedings. The senate, however, appoint

a day for the promulgation of a law. On the appointed day, Fabricius, one of Cicero's tribunes, marches with a strong guard, before daybreak, to get possession of the rostra: but Clodius is too early for him, and, seizing all the posts and avenues of the forum, prepares to give him battle. He had purchased some gladiators for the shows of his ædileship, to which he was now pretending, and borrowed another band of his brother Appius. With these well armed, at the head of his slaves and dependants, he attacks Fabricius, kills several of his followers, wounds many more, and drives him quite out of the place; and happening to fall in at the same time with Cispius, another tribune, coming to the aid of his colleague, he routs him also, with great slaughter. The tribune Sextius is desperately wounded and left for dead on the spot. Clodius reflecting that the murder of a tribune, whose person was sacred, might raise such a storm as would cause his ruin, suddenly resolves to kill one of his own tribunes, and charge the crime on his adversaries. Numerius Quintius is doomed for this sacrifice; who, learning the design, escapes in disguise. Sextius in the mean time is discovered to be living.

Clodius, flushed with this victory, sets fire with his own hands to the temple of the Nymphs, and burns the city records. He then attacks the houses of Milo the tribune, and Cæcilius the prætor, with fire and sword; but is repulsed, in both instances, with loss. Milo captures several of Appius' gladiators; who are sent to prison by the senate, but presently released by Serranus. Milo impeaches Clodius in due form, for the violation of the public peace; but the course of the law is frustrated by the consul Metellus, the prætor Appius, and the tribune Serranus. Milo, therefore, resolves to oppose force to force; and accordingly purchases a band of gladiators, with which he has daily skirmishes with Clodius in the streets.

This obstruction given to Cicero's return, by an obstinate and desperate faction, makes the senate more resolute to effect it. They pass a second vote, that no other business should be done, till it was carried; and, to prevent all further tumults, and insults upon the magistrates, ordered the consuls to summon all the people of Italy, who wished well to the state, to come to the assistance and defence of Cicero. Pompey being now at Capua, acting as chief magistrate to the new colony, presides in person at the making of a decree to Cicero's honour; and takes the trouble likewise of visiting all the other colonies and chief towns in those parts, to appoint them a day of general rendezvous at Rome, to assist at the promulgation of the law.

Lentulus in the mean time entertains the city with shows and stage plays. The shows are exhibited in Pompey's theatre; while the senate, for the convenience of being near them, is held in the adjoining temple of Honour and Virtue, built by Marius out of the Cimbric spoils, and called, for that reason, Marius' Monument. Here, according to Cicero's dream (A. U. C. 695.), a decree is passed, in proper form, for his restoration. Comp. pro Sext. c. 54. 56. The news of the decree soon reaches the neighbouring theatre; the whole assembly express their satisfaction by shouts of applause, which are renewed upon the entrance of every senator; but on the consul Lentulus taking his seat, the whole audience rise with reiterated acclamations, and testify their thanks to him.

Notwithstanding all this, Clodius has the audacity to hinder the decree from passing into a law; and takes every opportunity of haranguing the people against it. The senate, ashamed to see their authority thus insulted, when the whole city is on their side, resolve to take such measures in support of their decrees, that it should not be possible to defeat them. Lentulus, therefore, summons them into the Capitol, on the twenty-fifth of May; where Pompey begins the debate, and renews the motion for recalling Cicero. All the leading men of the senate follow on the same side. The consul Metellus, who hitherto had been acting a double part, and supporting Clodius, being now addressed in a very affecting speech by his relative Servilius, yields to his persuasion, with tears in his eyes, and promises all future services to Cicero; and from this moment assists his colleague in promoting Cicero's restoration. So that in a very full house, of four hundred and seventeen senators, all the magistrates being present, the decree passes without one dissenting voice, except that of Clodius. This decree is at length carried into a law, on the fourth of August, when all Italy is drawn together on the occasion. Appius, the two tribunes, and Clodius himself, are the only persons who have the hardihood to oppose it.

Cicero returns to Rome, and is received with universal acclamation. On the following day he returns thanks to the senate, and on the day after to the people, in the orations entitled *Post Reditum in Senatu*, and *Ad Quirites*.

There being a scarcity of corn at this time, Clodius endeavours to excite the people, attributing the calamity to Cicero. The people, however, universally turn against Clodius, and put him and his mercenaries to flight. At Cicero's suggestion, Pompey is invested

with absolute power over all the public stores and corn-rents of the empire. Cicero is restored to his former dignity. He pleads for the restitution of his Palatine house, and is opposed by Clodius. The priests, before whom Cicero pleads, declare that the area of his house might, without any scruple of religion, be restored to him; and the senate decree that Cicero's damage should be made good, and his house rebuilt at the public expense. Cicero rebuilds his Tusculan villa; and takes down the acts of his banishment from the Capitol. He is assaulted in the street by Clodius. See notes on c. 14.

A. U. C. 697. B. C. 56. Cic. 51.

Consss. *Cn. Cornelius Lentulus Marcellinus, L. Marcius Philippus.*

In the beginning of this year, Cicero labours to get the commission of restoring King Ptolemy granted to Lentulus.—Clodius is chosen ædile, without opposition. Cicero, therefore, puts himself on his guard, under the apprehension of a furious ædileship. Clodius accuses Milo of the same crime of which Milo had accused him—of public violence and a breach of the laws, in maintaining a band of gladiators to the terror of the city. See notes on c. 15. Cicero pleads for L. Bestia, accused of bribery and corruption; who is, however, convicted and banished. He undertakes the defence of P. Sextius, who is accused of public violence during his tribuneship: and he conducts the cause so well, that Sextius is honourably acquitted.

Many prodigies having happened this year, the Haruspices are consulted; who reply, that the Gods, in consequence of the neglect of certain religious rites, and the profanation of sacred and religious places, gave warning, &c. Comp. the Orat. de Harusp. Resp. Upon this, Clodius calls the people together, and endeavours to persuade them that the divine admonition was designed particularly against Cicero. On the following day, Cicero replies to Clodius in the senate, and, after a short and general invective upon his profligate life, says, he leaves him a devoted victim to Milo, who seemed to be given to them from heaven, for the extinction of such a plague, as Scipio was given for the destruction of Carthage. He declares the prodigy to be one of the most extraordinary which had ever been reported to the senate; but laughs at the absurdity of applying any part of it to him, since his house, as he proves at large, was more solemnly cleared from any service or relation to religion than any other house in Rome, by the judgment of the priests, the senate, and all the orders of the city. Comp. Harusp. Resp. c. 6. &c.

Cicero exerts all his authority to have Piso and Gabinius recalled from their provinces of Macedonia and Syria, with some marks of disgrace; in which he succeeds. He now pleads two considerable causes; one in defence of Cornelius Balbus, the other for M. Cœlius.

A. U. C. 698. B. C. 55. Cic. 52.

Consss. *Cn. Pompeius Magnus* II., *M. Licinius Crassus* II.

Piso returns from his government of Macedonia, after an inglorious administration of the province. He enters Rome privately, with his fasces stripped of their laurel. On his first appearance in public, he attacks Cicero, and complains to the senate of his injurious treatment of him. He reproaches Cicero with the disgrace of his exile; telling him it was the result of his vanity; that a single verse of his,

Cedant arma togæ, concedat laurea linguæ,

was the cause of all his calamity. Cicero, exasperated by the attack, makes a reply on the spot, in an invective speech, (*Oratio in Pisonem*, still extant,) the severest, perhaps, that was ever spoken against any man.

Cicero's Palatine house and the adjoining Portico of Catulus are now finished; and he prepares an inscription for it and for the Temple of Tellus, of the repairs of which he and his brother were the curators.

In this year he completes his three Books *de Oratore*.

A. U. C. 699. B. C. 54. Cic. 53.

Consss. *L. Domitius Ăenobarbus. Ap. Claudius Pulcher.*

Cicero composes a work on Politics, *de Republica*,* in six Books — He goes to Reate, to plead the cause of that corporation before Appius, the consul, and ten commissioners, in a controversy with their neighbours of Interamna, about draining the lake Velinus into the river Nar, to the damage of their lands. He returns from this cause in the midst of the Apollinarian shows; and, to relieve himself from the fatigue of his journey, goes directly to the theatre, where he is received with universal applause.

He now defends Messius, one of Cæsar's lieutenants, who came from Gaul on purpose to take his trial. Then Drusus, accused of betraying

* This work had been lost for many centuries: an imperfect copy, however, has been discovered, within the last twenty years, in the Vatican Library; of which there are now several editions.

a cause, which he had undertaken to defend; of which he was acquitted by a majority of four votes only. After that, Vatinius, one of his fiercest enemies, the prætor of the last year, and Æmilius Scaurus, one of the consular candidates, accused of plundering the province of Sardinia; and about the same time, his friend Cn. Plancius, accused of bribery in obtaining the ædileship. All these are acquitted; but the orations are lost, except that for Plancius.

Gabinius, who was consul when Cicero was banished, is recalled from his government, and impeached of treasonable practices, of plundering his province, and of bribery and corruption. Cicero, notwithstanding the ill-treatment he had received from this man, yet, out of regard for Pompey, undertakes his defence; and he is acquitted. He also defends C. Rabirius Posthumius, accused of being an accomplice of Gabinius.

A. U. C. 700. B. C. 53. Cic. 54.

Conss. *Cn. Domitius Calvinus, M. Valerius Messala.*

The tribunes prevent the election of consuls. The administration falls into the hands of an interrex. An attempt is made of declaring Pompey dictator. Milo, Cicero's friend, is irresolute how to act on this occasion; he is making interest for the consulship, and is apprehensive, if he should declare against a dictator, of making Pompey his enemy; or, if he should not assist the opponents, that it would be carried by force; in both cases, his own pretensions are sure to be disappointed. He is inclined, therefore, to join in the opposition, but so far only as to repel any violence. At the expiration of six months the above-named consuls are elected. — Cicero is appointed augur by unanimous consent of the whole college, on the nomination of Cn. Pompey and Q. Hortensius.

M. Crassus and his son Publius perish, with a total defeat of their army by the Parthians.

A. U. C. 701. B. C. 52. Cic. 55.

Cons. *Cn. Pompeius Magnus* III., without a colleague.

As in the last year, so in this, the factions of the city prevented the choice of consuls. The candidates, T. Annius Milo, Q. Metellus Scipio, and P. Plautius Hypsæus, push their several interest with unprecedented violence and bribery. Scipio had recently given his daughter, Cornelia, the widow of the younger Crassus, in marriage to Pompey: Hypsæus had acted as quæstor to that powerful leader; but Milo had defended Cicero against the rage of Clodius, had exposed

himself to the fury of that frantic demagogue, and to the resentment of Pompey. The parties of the competitors oppose each other with arms: the factions of Milo and Hypsæus engage in and pollute with their blood the Sacred Way; and, in attempting to quell the riot, the consul Calvinus is not only insulted but wounded.

Clodius is suing at the same time for the prætorship, and employing all his interest to disappoint Milo, by whose obtaining the consulship he was sure to be eclipsed and controlled in the exercise of his subordinate magistracy. Pompey is wholly averse to Milo; who does not pay him that court which he expected, but seems to affect an independence, and to trust to his own strength, while the other two competitors are wholly at his service.

The senate and better sort of citizens are generally in favour of Milo: but three of the tribunes, Q. Pompeius Rufus, Munatius Plancus Bursa, and C. Crispus Sallustius, the historian, are violent against him. The other seven are his firm friends. While all things are proceeding prosperously, and nothing seems wanting to crown his success, but to bring on the election, all his hopes are at once blasted by an unhappy encounter with his old enemy Clodius.

As Milo is going to Lanuvium, a town about fifteen miles from Rome, and of which he was chief magistrate, he meets Clodius returning from his country-seat at Aricia. Milo is in a carriage with his wife Fausta, the daughter of Sylla, and a friend; he has a numerous escort, amounting to some hundreds of servants in arms, and is, in particular, attended by two noted gladiators, Eudamus and Birria. Clodius is on horseback, with a retinue of thirty servants, who are armed also. The chiefs pass each other without observation, when the insolence of Birria becomes the signal for an instant affray. In endeavouring to protect his servants from the attack of the gladiator, Clodius receives a wound in the shoulder; and retires to an adjacent inn, that it might be dressed. Milo, inflamed by revenge, encourages his people to pursue their advantage: the doors of the inn are forced, the followers of Clodius dispersed, and his lifeless body, pierced with a number of wounds, cast into the highway. The master of the tavern is likewise killed, with eleven of Clodius' servants; while the rest save themselves by flight. See last note on c. 38.

In this situation the body is found by a senator named Tedius, who conveys it, in his own carriage, to Rome. The intelligence is immediately diffused through the capital. The next day, the mob, headed by S. Clodius, a kinsman of the deceased, and one of his chief incendiaries,

carries the body naked into the forum, to be exposed to the populace: and Fulvia, the widow of Clodius, as she points to the wounds of her slaughtered husband, invokes the justice, and fans the fury of the multitude.

The three tribunes, Milo's enemies, inflame the mob by furious speeches, to such a height of madness, that they tear up the benches and tables of the senate-house, erect a funeral pile, and burn the house itself together with the body. The Basilica, or public hall, adjoining, called the Porcian, is also burned. In the same fit of madness, they proceed to storm the houses of Milo and of M. Lepidus, the interrex; but are repulsed in both attacks, with some loss.

Milo, thinking himself undone, is meditating a voluntary exile, when matters turn in his favour: he takes courage, and ventures to appear in public. He is introduced to the rostra by Cœlius; when he makes his defence to the people, and distributes large sums of money to mitigate their resentment. But all in vain; the three tribunes keep the people in continued excitement; and what is more fatal, Pompey will not consent to settle the matter. See notes on c. 33.

The senate pass a decree, that the interrex, assisted by the tribunes and Pompey, *should take care that the republic received no detriment;* and that Pompey, in particular, should raise a body of troops for the common security, which he presently draws together from all parts of Italy.

In this confusion, the rumour of a dictator is industriously revived, and gives a fresh alarm to the senate; who, to avoid the greater evil, resolve to create Pompey sole consul. The interrex declares his appointment accordingly, after an interregnum of nearly two months.

Pompey, among other new laws, prepares one to appoint a special commission, to inquire into the death of Clodius, the burning of the senate-house, and the attack on M. Lepidus; and to appoint an extraordinary judge, of consular rank, to preside on it. By this, the method of trials is altered, and their length limited. Three days are allowed for the examination of witnesses, and the fourth for the sentence; on which the accuser is to have two hours only, to enforce the charge; the criminal three, for his defence. See notes on c. 33.

The three tribunes, in the mean time, are perpetually haranguing and terrifying the people with forged stories of magazines of arms, prepared by Milo for destroying his enemies, and burning the city. They charge him particularly with a design on the life of Pompey;

and bring one Licinius, a killer of the victims for sacrifice, to declare, that Milo's servants had confessed it to him in their cups, and then endeavoured to kill him, lest he should discover it: and, to make his story more credible, he shows a slight wound in his side, made by himself, which he affirms to have been given by the stroke of a gladiator. Pompey himself confirms the fact, and lays an account of it before the senate; and, by doubling his guards, affects to intimate a real apprehension of danger. They also give out everywhere, that Clodius was killed by the hand of Milo, and by the contrivance of a greater man, meaning Cicero.

Pompey attends the trial in person, with a strong guard, to preserve peace, and to prevent any violence from either side. There are many clear and positive proofs produced against Milo, though some of them are supposed to be forged: among the rest, the Vestal virgins depose, that a woman unknown came to them in Milo's name, to discharge a vow, said to be made by him, on account of the death of Clodius. The examination being over, Munatius Plancus calls the people together, and exhorts them to appear in a full body when judgment was to be given, and to declare their sentiments in so public a manner, that the criminal might not be suffered to escape.

Early in the morning of the eleventh of April, the shops are all shut, and the whole city assemble in the forum; where the avenues are possessed by Pompey's soldiers, and he himself seated in a conspicuous part, to overlook the whole proceeding, and to hinder all disturbance. The accusers are, the younger Appius, the nephew of Clodius, M. Antonius, and P. Valerius; who, according to the new law, employ two hours in supporting their indictment. Cicero is the only advocate for Milo. On his rising to speak, he is received with so rude a clamour by the Clodian party, that he is much discomposed at his first setting out; yet recovers spirits enough to go through his speech of three hours; which is taken down in writing, and published as delivered. Several of Milo's friends were of opinion, that he should defend himself by avowing the death of Clodius to be an act of public justice; but Cicero thought that defence too desperate. Since Milo then was charged with being the contriver of the meeting, Cicero chooses to risk the cause on that issue, in hopes to persuade, that Clodius actually lay in wait for Milo, and contrived the time and place; and that Milo's part was but a necessary act of self-defence. He does not preclude himself, however, from the other plea, which he often takes occasion to insinuate, that if Milo had really designed and

contrived to kill Clodius, he would have deserved honours instead of punishment, for cutting off so desperate and dangerous an enemy to the peace and liberty of Rome. See c. 24. 25. 26. 27. 28. 38. and the notes thereon.

Towards the end of the year, Q. Pompeius Rufus and T. Munatius Plancus are condemned to banishment, for the violence of their tribunate, and for burning the senate-house.

Cicero completes his works *de Legibus*, and *de Finibus Bonorum et Malorum*.

A. U. C. 702. B. C. 51. Cic. 56.

Conss. *Ser. Sulpicius Rufus, M. Claudius Marcellus.*

Cicero succeeds to the government of Cilicia, against his will; and, as he proceeds to enter on his command, forbids any expense to be made upon himself or his retinue by the cities through which he passes. Cicero, on reviewing his troops at Iconium, is informed that the Parthians had passed the Euphrates with a mighty force, to invade the Roman territory, under the command of Pacorus. He marches with an army of twelve thousand foot, and two thousand six hundred horse, besides auxiliary troops, to the foot of Mount Taurus, and secures his province from inroads. He takes Ariobarzanes, king of Cappadocia, under his protection, and refuses to accept any present from him; takes Pindenissum, and receives hostages from the Tiburani; and governs his province with singular moderation and probity.

Cæsar obtains many victories in Gaul.—C. Cassius, the quæstor of M. Crassus, defeats the Parthians in Syria.

A. U. C. 703. B. C. 50. Cic. 57.

Conss. *L. Æmilius Paulus, C. Claudius Marcellus.*

Cicero writes to the consuls, to request them to obtain a decree of the senate, in commendation of his government in Cilicia. He returns to Rome, intending to sue for a triumph; but is disappointed: supplications, however, are decreed.

A. U. C. 704. B. C. 49. Cic. 58.

Conss. *C. Claudius Marcellus, L. Cornelius Lentulus Crus.*

Cicero endeavours to make peace between Cæsar and Pompey. Has the command of Capua committed to him, but resigns it. He is solicited by Cæsar, Antony, and others, not to attach himself to Pompey. He is resolved, however, to cross the sea and join Pompey.

A. U. C. 705. B. C. 48. Cic. 59.

Conss. *C. Julius Cæsar, P. Servilius Vatia Isauricus.*

Cæsar conquers Pompey at Pharsalia. Cicero, being unwell, was not in the engagement. After the battle, Cato, who commanded fifteen cohorts at Dyrrhachium, offers the command to Cicero, as superior in dignity: but upon his refusal to accept it, the younger Pompey is so enraged, that he draws his sword and would have killed Cicero, but for the interposition of Cato. Cicero returns to Italy.

A. U. C. 706. B. C. 47. Cic. 60.

Conss. *C. Julius Cæsar* II. Dictator; *M. Antonius,* Master of Horse.

Cicero resides at Brundisium, where he hears of Pompey's death. Cæsar is declared Dictator a second time, in his absence; and M. Antony his Master of Horse. Cicero receives a letter from Cæsar, confirming to him the full enjoyment of all his former state and dignity. Cæsar returns from Egypt. Cicero is kindly received. Cæsar appoints P. Vatinius and Q. Fafius Calenus consuls for the last three months of the year; and embarks for Africa, to pursue the war against Scipio and the other Pompeian generals.

A. U. C. 707. B. C. 46. Cic 61.

Conss. *C. Julius Cæsar* III. Dictator; *M. Æmilius Lepidus.*

Cicero devotes all his time to study. He composes, for the instruction of his son, his Book of Oratorial Partitions. He also writes the Dialogue on Famous Orators, entitled Brutus; and a Book in praise of Cato, which is answered by Hirtius. Cæsar, having finished the African war, returns to Rome. Pardons M. Claudius Marcellus, at the request of the senate. Cicero returns thanks to Cæsar for this pardon, in the famous oration *pro M. Marcello,* still extant. Cæsar reforms the Calendar, by accommodating the course of the year to the course of the sun; in which he is assisted by Sosigines of Alexandria, whom he brings to Rome for the purpose. Cicero now pleads successfully for Q. Ligarius, who, as well as M. Marcellus, was in exile for the part he took against Cæsar. — Terentia is divorced. — Cæsar goes into Spain against the sons of Pompey.

A. U. C. 708. B. C. 45. Cic. 62.

Cons. *C. Julius Cæsar* IV. Dictator.

Cicero sends his son to Athens, to be under the care of the philosopher Cratippus. His daughter Tullia dies in child-birth. Cicero

applies himself to philosophy; and publishes a book on the Academics; also his works *de Finibus*, and *Tusculanæ Disputationes*. Cæsar returns victorious from Spain; and refutes Cicero's book in praise of Cato, answering it paragraph by paragraph. Cicero pleads for King Deiotarus. Is entertained by Cæsar at his house, on the third day of the Saturnalia. Comp. Att. XIII. 52. Macrob. Saturn. I. 10.

A. U. C. 709. B. C. 44. Cic. 63.

Conss. *C. Julius Cæsar* V. *M. Antonius.*

Cæsar meditates a war against Parthia, and appoints M. Æmilius Lepidus consul in hia stead. He is assassinated by Brutus, on the Ides of March. Cicero writes his works on the Nature of the Gods, on Divination, on Old-age, on Friendship, and on Fate. — Antony raises himself to power. Cicero attaches himself to Octavius, in opposition to Antony. Leaves Rome to visit his son at Athens. Writes his treatise of Topics, at sea. On hearing good news, he returns from his intended voyage, and delivers his first Philippic. Retires to Naples. Composes his second Philippic; and consents to support Octavius, on certain conditions. Finishes his books of Offices and Stoïcal Paradoxes. Returns to Rome, upon Antony's leaving it: delivers his third Philippic; and publishes the second.

A. U. C. 710. B. C. 43. Cic. 64.

Conss. *C. Vibius Pansa, A. Hirtius.*

Cicero delivers the remainder of his Philippics. Antony besieges Mutina: is defeated. The consul Hirtius, who forces his way into Antony's camp, is slain near the general's tent. The other dies of his wounds on the following day. Octavius, Antony, and Lepidus form the second triumvirate. A proscription follows, and about two hundred are doomed to death. Augustus without remorse gives up to the sword of the assassin the man to whom he partly owed his greatness; and Cicero is pursued by the emissaries of Antony; among whom is Popilius, whom he had formerly defended when accused of parricide. He is overtaken near Caieta; and beheaded by Herennius, on the seventh of December. His head and right hand are carried to Rome, and hung up in the forum. See notes on c. 10.

Cicero has acquired more real fame by his literary compositions than by his spirited exertions in the senate. The learning and abilities

which he possessed have been the admiration of every age and country; and his style has always been accounted the true standard of pure Latinity. The words *nascitur poëta* have been verified in his attempts to write poetry; and the satire of Martial,

"Carmina quod scribit Musis et Apolline nullo,"

though severe, is perfectly true. Cicero once formed a design of writing the History of Rome; but did not pursue the plan.

Like his countrymen, he was not destitute of ambition; and the arrogant expectations with which he returned from his government in Cilicia are well known. See A. U. C. 703. He was of a timid disposition; and he who shone as the father of Roman eloquence, never ascended the rostra without feeling a secret emotion of dread. His conduct during the civil wars was far from that of a true patriot: and when we view him, dubious and irresolute, sorry not to follow Pompey, and yet afraid to oppose Cæsar, the judgment would almost brand him with the disgraceful name of coward.

In his private character, however, Cicero was of an amiable disposition; and though he was too elated with prosperity, and debased by adversity, the affability of the friend, and the benevolence of the man, conciliated the good graces of all.

M. TULLII CICERONIS ORATIO

PRO

T. ANNIO MILONE.

M. TULLII CICERONIS ORATIO

PRO

T. ANNIO MILONE.

CAP. I. ETSI vereor, Judices, ne turpe sit, pro fortissimo viro dicere incipientem timere, minimeque deceat, cum T. Annius ipse magis de reipublicæ salute, quam de sua perturbetur, me ad ejus causam parem animi magnitudinem afferre non posse; tamen hæc novi judicii nova

PRO T. ANNIO MILONE. See the Chronological Table, A.U.C. 701.

CHAP. I. *Etsi vereor, ne.* "Although I am apprehensive, that it is dishonorable to betray fear when entering on the defence of a most respectable man; and, since T. Annius himself is more perplexed concerning the safety of the state than his own, that it is by no means becoming in me not to be able to bestow on his cause a suitable share of magnanimity; yet this unusual form of an extraordinary trial," &c. The particle *ne* after *timeo, vereor*, and the like, is used in an affirmative sense; and *ut* after the same verbs in a negative sense. *Vereor ne* means, "I fear that will" happen, which I do not wish; *vereor ut*, "I fear that will not" happen, which I desire. Comp. c. 18. 29. *Vereor* properly implies a "reverential fear"; *timeo*, "a fear of danger," "a slavish fear." The distinction is made by Cicero, Senec. c. 11. and by Livy, XXXIX. 37. Comp. Cic. Phil. XII. 12. Tusc. IV. 8.—*Pro fortissimo viro. Fortis*, "excellent," "good," "respectable." Comp. Quint. c. 2. Catil. I. 8. Plaut. Trin. V. 2. 9. Terence, And. II. 6. 13. Horace, Epist. I. 7. 46. 9. 31.—*Quam de sua.* It was usual for defendants to appear at their trial in mourning. Notwithstanding this custom, Milo appeared before his judges in splendid attire. Cicero, fearing lest this should give offence to the judges, endeavours to conciliate their favour, by telling them, that Milo is more anxious for the security of the state, than for his own safety.—*Ad ejus causam afferre. Afferre* here signifies "to apply," "contribute," "bestow." So "animum vacuum afferre ad scribendas res difficiles," Att. XIII. 38. *Ad causam* has been improperly joined with *parem*; although *par ad virtutem* occurs in Livy, XXVI. 16.—*Novi judicii.* The ordinary criminal trials at Rome, from A.U.C. 604. under the consulship of L. Marcius Censorinus and M. Manilius, *i.e.* after L. Calpurnius proposed the law *de Repetundis*, we called *quæstiones perpetuæ*, and held annually. At these, one of the yearly prætors presided in the forum, or comitium, aloft on the tribunal, seated in a curule chair,

forma terret oculos: qui, quocumque inciderint, veterem consuetudinem fori, et pristinum morem judiciorum requirunt. Non enim corona consessus vester cinctus est, ut solebat: non usitata frequentia stipati sumus. Nam illa præsidia, quæ pro templis omnibus cernitis, etsi contra vim collocata sunt, non afferunt tamen oratori aliquid; ut in foro et in judicio, quanquam præsidiis salutaribus et necessariis septi sumus, tamen ne non timere quidem sine aliquo timore possimus. Quæ si opposita Miloni putarem,

and attended by his assessors, or counsel. A sword and spear were set upright before him. The *judices*, or jury, appointed by the prætor, sat beneath the tribunal, on *subsellia*, or benches. The citizens, who attended the trial, through interest or curiosity, formed themselves into a ring, standing. These trials were not limited as to time. In case of unusual occurrences, or atrocious crimes, the people, or senate, sometimes appointed inquisitors to preside at the trial in place of the prætor; and then they were said *extra ordinem quærere*. On the present occasion, an inquisitor of consular rank presided. The judges consisted of senators, knights, and tribunes of the treasury, to the number of three hundred. The examination of witnesses was limited to three days. The sentence was to be pronounced on the fourth; when the accusers were permitted to speak two hours to enforce their charge, and three hours were allowed for the defence. The forum was surrounded with guards. See the Chronological Table.—*Requirunt*. "Miss," "look for in vain." Comp. Manil. c. 2. Parad. I. 2.

Corona. The ring of spectators.—*Illa præsidia*. Pompey had stationed large bodies of armed men all round the forum, and at every avenue leading thereto; while he himself sat in a conspicuous part, to overlook the whole proceeding, and to prevent disturbance. — *Pro templis*. *Pro* for *ante*: "In front of the temples." Comp. Cæsar, B. G. I. 51. Several temples stood round the forum, viz. the temple of Jupiter Stator, of Jupiter the Thunderer, of Castor and Pollux, of Concord, of Peace, &c.—*Contra vim*. Cicero insinuates that the guards were stationed in the forum solely to repel the violence of the rabble, who favoured the Clodian party. — *Non afferunt tamen*. "Do not in any way assist an orator." Comp. Nat. Deor. II. 63. Ernesti reads *afferunt tamen horroris aliquid*. Zurck has a various reading, *honoris*, in the margin. Scheller conjectured *terroris*. — *Ut in foro*. "So that, in the forum, and during a trial, although we are surrounded by protective and necessary guards, yet we cannot even assume confidence, without some apprehension at least."—*Non timere* is the same as *confidere*. — *Opposita Miloni*. Dissimulation, lest he should offend Pompey, who, though he greatly feared the Clodian mob, was not free from apprehension with respect to Milo's faction. — *Cederem tempori*. "I would yield to circumstances." In this phrase, *tempus* means "unfortunate circum-

cederem tempori, Judices, nec inter tantam vim armorum existimarem esse oratori locum. Sed me recreat et reficit Cn. Pompeii, sapientissimi et justissimi viri, consilium; qui profecto nec justitiæ suæ putaret esse, quem reum sententiis judicum tradidisset, eundem telis militum dedere; nec sapientiæ, temeritatem concitatæ multitudinis auctoritate publica armare. Quamobrem illa arma, centuriones, cohortes, non periculum nobis, sed præsidium denunciant; neque solum, ut quieto, sed etiam ut magno animo simus, hortantur; neque auxilium modo defensioni meæ, verum etiam silentium pollicentur. Reliqua vero

stances." Comp. Div. IV. 8. "Honeste servit qui succumbit tempori." Publius Syr. — *Tantam vim armorum.* "Such a quantity of arms," *i.e.* such a number of armed men. Comp. Tusc. V. 32. Harusp. c. 11. Div. VII. 18. Livy, I. 51. Sallust, Jug. c. 91. and perhaps Virgil, Æn. IV. 132. may be added.

Recreat. "Refreshes," "comforts." Comp. Manil. c. 9. Att. I. 16.—— *Reficit.* "Encourages." Comp. Verr. IV. 47. Att. XII. 14. — *Cn. Pompeii sapientissimi.* "Though Pompey was not concerned for the death of Clodius, or the manner in which it happened, but pleased rather that the republic was freed, at any rate, from so pestilent a demagogue; yet he resolved to take the benefit of the occasion, for getting rid of Milo too; from whose ambition and high spirit he had reason to apprehend no less trouble. Cicero, being sensible of this, as well as of the great authority and influence of Pompey, endeavours, through the whole of this oration, to remove the effects which they might have upon the minds of the judges." *Duncan.* — *Nec justitiæ suæ.* "Neither consistent with his justice," &c. *Quem reum sententiis.* "Whom he had delivered up under indictment," &c. The meaning of *reus* is frequently misunderstood. It properly signifies *a person who has a cause* pending in a court of justice; also *a defendant* in a civil or criminal suit. "Reos appello non modo qui arguuntur, sed omnes quorum res est," &c. Cicero, Or. II. 43. — *Centuriones.* "Captains of a century," or one hundred foot-soldiers. —— *Cohortes.* A cohort was the tenth part of a legion, consisting in Cicero's time of four hundred and twenty men, all infantry. It was composed of four *manipuli*, viz. one of *velites*, 120 men; one of *hastati*, 120 men; one of *principes*, 120 men; and one of *triarii*, 60 men. Sometimes the cohorts are distinguished from the legions, and then they denote "auxiliary troops." A general's body-guard was called *cohors prætoria.* — *Reliqua vero multitudo.* "The Clodian party consisted principally of a set of profligate, low, and abandoned wretches; whom Clodius, by his rapines, had gained over to his interest. To these Cicero does not allow the name of citizens, on account

multitudo, quæ quidem est civium, tota nostra est: neque eorum quisquam, quos undique intuentes, unde aliqua pars fori aspici potest, et hujus exitum judicii expectantes videtis, non cum virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis, hodierno die decertari putat.

II. Unum genus est adversum infestumque nobis, eorum, quos P. Clodii furor rapinis, et incendiis, et omnibus exitiis publicis pavit; qui hesterna etiam concione incitati sunt, ut vobis voce præirent, quid judicaretis. Quorum clamor, si qui forte fuerit, admonere vos debebit, ut eum civem retineatis, qui semper genus illud hominum, clamoresque maximos, pro vestra salute neglexit. Quamobrem adeste animis, Judices, et timorem, si quem

of their infamous character, and seditious practices." *Duncan.* — *Quæ quidem est civium.* "That part at least which consists of citizens, is wholly on our side." *Quidem* in this sense is not unusual. Comp. Phil. II. 19. Terence, Phorm. V. 7. 11. Hec. IV. 4. 77. — *Intuentes.* Some read *confluentes;* Ernesti and Weiske, *intuentes cernitis, unde aliqua pars fori aspici potest, et hujus exitum judicii expectantes, non, &c.* Victor, Gruter, Lambinus, Manutius, &c. *intuentes ex hoc ipso loco cernitis, unde .... expectantes, non, &c.*

Chap. II. *Eorum, quos.* i. e. *genus eorum hominum, quos, &c.* — *Incendiis.* Some think the outrage of Clodius against the villas and houses of Cicero, Quintus Cicero, and Lepidus is alluded to. — *Hesterna etiam concione.* Three tribunes of the people, C. Sallustius, Q. Pompeius, and Munatius Plancus Bursa, harangued the people almost daily against Milo and his friends. "Bursa particularly, the very day before this oration was delivered, called the people together and exhorted them to appear in a full body the next day, when judgment was to be given, and to declare their sentiments in so public a manner, that the criminal might not be suffered to escape; which Cicero reflects upon as an insult to the liberty of the bench." *Duncan.* — *Ut vobis voce præirent.* "To dictate to you what sentence you should pronounce."—*Quorum clamor.* "Whose seditious clamour, if any should arise," *i. e.* whenever it should arise, &c.— *Qui semper.* "Who always despised that abandoned crew and their loudest shouts, when your safety was concerned." Comp. pro Quint. c. 30. Vat. 2. Catil. I. 7.

Adeste animis. "Favour me with your attention." So "adestote omnes animis, qui adestis corporibus, erigite mentes et me attendite," Sull. c. 11. Comp. Terence, Andr. Prol. 24. *Animo adesse* signifies also "to have presence of mind," "to take courage." Comp. Somn. Scip. c. 1.

habetis, deponite. Nam, si unquam de bonis et fortibus viris, si unquam de benemeritis civibus potestas vobis judicandi fuit; si denique unquam locus amplissimorum ordinum delectis viris datus est, ubi sua studia erga fortes et bonos cives, quæ vultu et verbis sæpe significassent, re et sententiis declararent; hoc profecto tempore eam potestatem omnem vos habetis, ut statuatis, utrum nos, qui semper vestræ auctoritati dediti fuimus, semper miseri lugeamus, an diu vexati a perditissimis civibus, aliquando per vos ac vestram fidem, virtutem, sapientiamque recreemur. Quid enim nobis duobus, Judices, laboriosius? Quid magis solicitum, magis exercitum, dici aut fingi potest? qui, spe amplissimorum præmiorum ad rem-

—*Si denique unquam.* "If ever, in short, an opportunity was granted to chosen men of the most illustrious order, wherein they might manifest, by their actions and their votes, that favour towards brave and virtuous citizens, which they had often displayed by their looks and expressions," &c. — *Amplissimorum ordinum.* L. Aurelius Cotta, when prætor, in the consulship of M. Licinius Crassus and Cn. Pompey, proposed a law to the people, that judges should be selected from the senators, knights, and tribunes of the treasury. This law was amended by Pompey, to the effect, that the wealthiest only of those orders should be selected. We are informed by Asconius, that a more illustrious, upright, and conscientious bench of judges had never been chosen, than on the present occasion. — *Ut statuatis.* "That by your verdict you may decide, whether we, who have been ever devoted to your authority, shall henceforth continue in grief and misery, or, after having been long harassed by the most flagitious citizens, shall through your means, by your solemn engagement, your virtue, and wisdom, be at length refreshed and comforted." So "recreare animos afflictos bonorum," Att. I. 16. Comp. Manil. c. 9. Div. VI. 10. — *Qui semper vestræ.* Cicero had always been on the side of the senate and equestrian order, and on all occasions defended their authority against the seditions of Clodius and his party.—*Per vestram fidem.* The judges were all sworn to pronounce judgment honestly, impartially, and according to justice.

Quid enim nobis duobus. He courts the compassion of the judges in favour of himself and his client: "What can be more oppressed with hardships than we two?" Comp. Phil. XI. 4. Fin. II. 28. — *Magis solicitum.* "More disquieted." Comp. Fin. II. 17. Virgil, Æn. IX. 89. — *Magis exercitum.* "More harassed." So "nate Iliacis exercite fatis," Virgil, Æn. V. 725. "te exercent numinis iræ," Georg. IV. 453. Comp. Cic. Att. XIII. 25.—*Amplissimorum præmiorum.* Milo had been tribune, as appears from the present chapter,

publicam adducti, metu crudelissimorum suppliciorum carere non possumus? Equidem ceteras tempestates et procellas in illis dumtaxat fluctibus concionum semper putavi Miloni esse subeundas, quod semper pro bonis contra improbos senserat: in judicio vero, et in eo consilio, in quo ex cunctis ordinibus amplissimi viri judicarent, nunquam existimavi spem ullam esse habituros Milonis inimicos, ad ejus non salutem modo extinguendam, sed etiam gloriam per tales viros infringendam Quanquam in hac causa, Judices, T. Annii tribunatu, rebusque omnibus pro salute reipublicæ gestis, ad hujus criminis defensionem non abutemur, nisi oculis videritis

and was candidate for the consulship when Clodius was slain. — *Metu crudelissimorum suppliciorum.* Antithesis. — — *Carere non possumus.* "Cannot escape from the apprehension." The mortal hatred of Clodius towards Milo was notorious. His partisans, it appears, inherited it after his death. — *Equidem.* "I, for my part, always considered," &c. In Cicero and other writers, *equidem* is very often found with the first person; and hence some conclude that it is compounded of *ego* and *quidem*, and so can be properly used only with the first person. But it is often used with other persons. Comp. Att. XIII. 26. Sext. c. 57. Varr. R. R. I. 5. Kidd on Dawes, Misc. Crit. p. 128. *Ego* also is joined with it, Sall. Cat. 3. 51. Jug. c. 10. Plaut. Men. II. 1. 40. — *In illis dumtaxat fluctibus.* The excitement and commotion of popular assemblies are often compared to the troubled billows of the ocean. Comp. Muren. c. 17. *Dumtaxat*, not *duntaxat*. See Bœtticher's Lexicon Tacit. — *In judicio vero.* "But I never imagined, that, on a public trial, and in a deliberation like the present, in which the most illustrious men of all orders of the state were to sit in judgment, the accusers of Milo could have any expectation, by means of such men, not only of depriving him of existence, but even of diminishing his glory." *Extinguere animam* occurs in Terence, Ad. III. 3. 26. Comp. Nepos, Att. c. 9. Quintilian, IX. 3. notices the ὁμοιοτέλευτον in the words *extinguendam, infringendam.*

Quanquam. "But yet in this cause we will not employ the tribuneship," &c. Comp. Verr. V. 43. Div. IX. 6. *Abuti* more frequently signifies "to make a bad use of," "to misapply," "to abuse." Comp. Cat. I. 1. Rosc. Amer. c. 19. — *Annii tribunatu.* Milo was tribune the year after Clodius, and, while he remained in office, exerted all his power to restrain the violence and aggression of the latter. — *Nisi oculis videritis.* "Several of Milo's friends were of opinion, that he should defend himself, by avowing the death of Clodius to be an act of public benefit: but Cicero thought that defence too desperate, as it would disgust the grave

insidias Miloni a Clodio factas; nec deprecaturi sumus, ut crimen hoc nobis, multa propter præclara in rempublicam merita, condonetis; nec postulaturi, ut, si mors P. Clodii salus vestra fuerit, idcirco eam virtuti Milonis potius, quam populi Romani felicitati, assignetis. Sed si illius insidiæ clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, Judices, si cetera amisimus, hoc saltem nobis ut relinquatur, ab inimicorum audacia telisque vitam ut impune liceat defendere.

III. Sed, antequam ad eam orationem venio, quæ est propria vestræ quæstionis, videntur ea esse refutanda, quæ et in senatu ab inimicis sæpe jactata sunt, et in concione ab improbis, et paulo ante ab accusatoribus; ut, omni

and considerate, by opening so great a door to licence; and offend the powerful, lest the precedent should be extended to themselves. Accordingly, he chose to risk the cause on another issue, and laboured to show that Clodius lay in wait for Milo, and contrived the time and place; and that Milo's part was but a necessary act of self-defence. He does not preclude himself, however, by this from the other plea, which he frequently takes occasion to insinuate, that if Milo had really designed and contrived to kill Clodius, he would have deserved honours instead of punishment, for cutting off so desperate and dangerous an enemy to the peace and liberty of Rome." *Duncan.* — *In rempublicam.* This indulgence was granted by the Roman law. See the commentators on l. 31. D. de Pœn. and comp. Quintil. II. 25. — *Merita.* Comp. c. 12. and 28. — *Vitam ut impune.* "Hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris natura ipsa præscripsit, ut omnem semper vim, quacumque ope possent, a corpore, a capite, a vita sua propulsarent." Cap. 11.

CHAP. III. *Sed, antequam ad eam.* "But before I come to that part of my defence, which especially belongs to your inquiry," &c. A public trial was called *quæstio.* See notes on c. 1. — *Videntur ea esse refutanda.* The non-judicial sentences pronounced by certain parties in the senate, who were hostile to Milo; viz. That it was impious to permit that man to live, who acknowledged himself to be guilty of homicide — That Milo had been already condemned by the senate—That Milo had been already condemned by Pompey. Comp. Quintil. IV. 2. 25. VI. 5. 10. and V. 1. and 2. where he shows how far the *præjudicia* were useful to a pleader. — — *Jactata.* "Uttered," "pronounced." Comp. Livy, I. 46. — *Paulo ante.* The three accusers spoke for two hours prior to Cicero's defence. — *Ut, omni errore.* "That all prejudice being removed, you may view the case clearly, and as it really is, which comes before you for your decision." So Lactant. II. 2: "Ut,

errore sublato, rem plane, quæ venit in judicium, videre possitis. Negant intueri lucem esse fas ei, qui a se hominem occisum esse fateatur. In qua tandem urbe hoc homines stultissimi disputant? Nempe in ea, quæ primum judicium de capite vidit M. Horatii, fortissimi

omni errore sublato, veritas patefacta clarescat." This proves *errore* to be the true reading, in place of *terrore*, which was first introduced by Gruter.

Negant intueri lucem. This is the first *præjudicium*, or previous and non-judicial sentence, pronounced by the friends of Clodius. "The three tribunes, who were in opposition to Milo, declared for his being put to death, alleging that an avowed homicide should not be allowed to live. Cicero refutes this argument in a very artful manner, by producing several parallel cases from the history of Rome." *Duncan.* — *Intueri lucem.* "To enjoy the light of heaven," *i.e.* to live. Comp. Ovid, Met. IX. 778. — *In qua tandem.* "In what city, pray, do these most stupid men argue thus?" See notes on the latter part of c. 2. *Tandem* is thus used in interrogation. —— *Nempe in ea. Nempe* in answers has the power of amplifying: "Why, truly, in that very city," &c. — *M. Horatii.* This was the M. Horatius, who, after both his brothers were slain, killed the three Curiatii, in that famous combat, under the reign of Tullus Hostilius, which gave Rome the superiority over her mother Alba. As he was returning, after so glorious a victory, in a sort of triumph, his temples encircled with a crown, which the king had put on his head, and his shoulders loaded with the spoils of the three Curiatii, to his great surprise he beheld his sister, unaccompanied by her mother, and without any attendance, hurrying forward in the promiscuous crowd to meet him. One of the Alban champions had been her lover, and was to have been her husband. Upon the first report of his being slain, she had stolen from her mother, and was come, running like a distracted creature, to learn the certainty of his fate; and when she saw the conqueror bearing in triumph her lover's military robe, which she had wrought with her own hands, stained with his blood, she tore her hair, beat her breast, and reviled her brother in the bitterest expressions. Horatius, warm with slaughter, and enraged with these reproaches, and untimely grief of his sister, killed her upon the spot; and, without sign of pity or remorse, went straight on to his father's house, who approved of the cruel deed, and refused to let his daughter be buried in the sepulchre of her family. Horatius was arraigned before Tullus, upon an accusation of murder, and some of the most eminent of the citizens concerned themselves in the prosecution. The king, to avoid the odium he might bring upon himself, by either acquitting or condemning the criminal, turned the affair into a state crime; and calling the people together, named two commissioners, or duumviri, to try him as a traitor. The fact of which he was accused being notorious, and not disowned by him, the duumviri, without delay, pronounced sentence against him;

viri; qui, nondum libera civitate, tamen populi Romani comitiis liberatus est, cum sua manu sororem interfectam esse fateretur. An est quisquam, qui hoc ignoret, cum de homine occiso quæratur, aut negari solere omnino esse factum, aut recte ac jure factum esse defendi? Nisi vero existimatis, dementem P. Africanum fuisse, qui, cum a C. Carbone, tribuno plebis, in concione seditiose interrogaretur, quid de Ti. Gracchi morte sentiret, respondit, Jure cæsum videri. Neque enim posset aut Ahala ille Servilius,

and the executioner had already laid hold of him, when, by the king's advice, he appealed to an assembly of the people; who, through admiration of his courage, rather than for the justice of his cause, revoked the sentence that had been passed against him. However, that crime might not go wholly unpunished, they condemned him to pass under the yoke, an ignominy to which they usually subjected prisoners of war who had surrendered their arms." *Duncan.* Comp. Livy, I. 26. Florus, I. 3.

Primum judicium. The first public trial for a capital offence, which was decided by the people assembled in the Comitium. — *Nisi vero existimatis.* "Unless, forsooth, you think that P. Africanus was of unsound mind," &c. *Nisi vero* and *nisi forte* are used in irony, at the beginning of sentences. Comp. c. 7. pro Syll. c. 9. Att. VII. 6. "C. Papirius Carbo, in his tribuneship, warmly espoused the cause of the people against the nobility. One day, in a public assembly, he called to P. Scipio Africanus, and asked him what he thought of the death of Tiberius. Scipio, without hesitation, declared that, in his opinion, Tiberius was justly slain. And when the multitude let him know their displeasure by a loud cry, he boldly returned, *Cease your noise! Do you think by your clamour to frighten me, who am used, unterrified, to hear the shouts of embattled enemies?*" Duncan. —— *Seditiose interrogaretur.* This question of the tribune Carbo was put to Scipio, with a seditious view, and for the purpose of eliciting an answer from him, different from the one which he gave; because Scipio was married to Sempronia, the sister of the Gracchi. — *Ti. Gracchi.* Tiberius Gracchus, son of Tiberius Sempronius Gracchus, and brother of Caius Sempronius Gracchus, revived in his tribuneship the Agrarian law of Licinius Stolo. This drew upon him the displeasure of the senate and of the nobility, who took the resolution of having recourse to bloodshed. He was assassinated before the temple of Jupiter Capitolinus, and in the midst of his adherents, while the people were unanimous to re-elect him to serve the office of tribune the following year.

Ahala ille Servilius. C. Servilius Ahala, when master of the horse under the dictator Cincinnatus, slew, at the request of the dictator, the turbulent Spurius Mælius, whose donations of corn to the people, in a time of scarcity, excited suspicion that he was aiming at the sovereignty. Ahala was accused of this murder

aut P. Nasica, aut L. Opimius, aut C. Marius, aut, me consule, senatus non nefarius haberi, si sceleratos cives interfici nefas esset. Itaque hoc, Judices, non sine causa etiam fictis fabulis doctissimi homines memoriæ prodiderunt, eum, qui patris ulciscendi causa matrem necavisset, variatis hominum sententiis, non solum divina, sed etiam sapientissimæ Deæ, sententia liberatum. Quod si

and banished, but the sentence was afterwards repealed. Comp. Catil. I. 1. Senect. c. 16. Livy, IV. 14. — *P. Nasica.* This is the Publius Scipio Nasica, who was surnamed Serapion, and son of Scipio Nasica, surnamed Corculum. He was consul with D. Brutus. He was afterwards Pontifex Maximus, and distinguished himself by heading the party who slew Tiberius Gracchus. Comp. Val. Max. VIII. 15. 3. — *L. Opimius.* An inveterate enemy to C. Gracchus and his adherents. He obtained the consulship in opposition to the interest and efforts of the Gracchi; and while in office conducted himself with the greatest severity towards the popular party. When C. Gracchus, upon the expiration of his seditious tribunate, seized the Aventine mount, with a considerable number of followers, Opimius armed the people by a decree of the senate, drove him thence, and put him to death. —— *C. Marius.* Lucius Appuleius Saturninus, a tribune of the people, raised a sedition, intimidated the senate, and tyrannized for three years. Marius, who was the chief promoter of the sedition, through interested motives, abandoned Saturninus, attached himself to the party of the senate, and through his means the tribune was assassinated by Rabirius. The same Saturninus was the murderer of C. Memmius. —— *Aut me consule.* Five of the principal accomplices of Catiline were executed in prison by order of the senate. — *Non nefarius haberi.* "Be deemed innocent."

Doctissimi homines. The poets, who were sometimes called σόφοι. See Anacreon, LIII. 23. — *Eum.* Orestes, a son of Agamemnon and Clytæmnestra. When his father was murdered by his mother and her paramour Ægisthus, he was rescued from the dagger by his sister Electra, who conveyed him to Strophius, the king of Phocis, who had married Agamemnon's sister. Here he was educated. When arrived at years of manhood, he visited Mycenæ, and avenged his father's death by assassinating his mother and the adulterer Ægisthus. For these murders Orestes was tormented by the Furies. Some years afterwards, by the advice of Apollo, he removed to Athens; where he was put on his trial for parricide. In the court of the Areopagus, the votes of the judges not agreeing, Minerva, who was present at the trial, added hers, to make the votes even. And thus he was acquitted. This is according to the Eumenides of Æschylus. Others say that the votes of the judges were equal, and that Minerva gave the casting vote, to turn the scale of justice.

Duodecim tabulæ. In the beginning of the Roman state there was no certain standard of justice and equity; but every thing was managed

duodecim tabulæ nocturnum furem, quoquo modo, diurnum autem, si se telo defenderit, interfici impune voluerunt; quis est, qui, quoquo modo quis interfectus sit, puniendum putet, cum videat aliquando gladium nobis ad occidendum hominem ab ipsis porrigi legibus?

IV. Atqui si tempus est ullum jure hominis necandi, quæ multa sunt, certe illud est non modo justum, verum etiam necessarium, cum vi vis illata defenditur. Pudicitiam cum eriperet militi tribunus militaris in exercitu

by the sole authority of the kings. As the consuls succeeded to the regal power, they likewise succeeded to the prerogative of distributing justice, by themselves, or by their patrician substitutes; and the judicial proceedings for many years depended only on custom, and the judgment of the court. At last, A. U. C. 299. in order to redress this inconvenience, three commissioners, Manlius, Sulpicius, and Posthumius, were sent into Greece, to make a collection of the best laws for the service of their country. At their return, the decemviri composed ten tables from the laws which they had collected; and these were established by public authority. To these the decemviri added two other tables of their own composing; which together formed the *Laws of the Twelve Tables*. Cicero calls these a work superior to all the libraries of the philosophers. Nothing now remains of these laws, but scattered fragments. — *Nocturnum furem.* The second table, among other laws, contained the following: SI NOX FURTUM FAXIT, SIM ALIQUIS OCISIT, JURE CÆSUS ESTO .... SI SE TELO DEFENSINT ... SI CÆSI ESCINT, SE FRAUDE ESTO. *i. e.* Si quis noctu furtum fecerit, si eum aliquis occiderit, jure cæsus esto. Si se telo defenderint, si cæsi fuerint, impune esto. Exodus, XXII. 2. 3. "Si perfodiens nocte parietem inventus fuerit fur, et percusserit eum alius, et mortuus fuerit hic, non est homicida is qui percusserit eum. Si autem sol ortus super eum, reus est mortis percussor, et ipse morietur." The similarity of these is easily accounted for. The Egyptians had their laws from the Hebrews, and the Greeks had theirs from the Egyptians.

Quoquo modo. i. e. *quocumque modo:* under any circumstance whatever, whether the thief be armed with a weapon, or not. The second *quoquo modo* signifies whether it be in the day, or the night. — *Puniendum.* Supply *esse:* "that the act must be punished."

CHAP. IV. *Atqui si tempus est.* Καί τοι: "And yet if there be any occasion, as there are many, of justified homicide, surely," &c. Comp. c. 15. — *Cum vi vis.* Ovid, Art. Am. III. 491. "Judice me fraus est concessa repellere fraudem; Armaque in armatos sumere jura sinunt."— *Militi tribunus militaris.* Caius Lucius, the nephew of C. Marius, being his sister's son, a military tribune in that general's army, after having made several vain assaults on the person of a private soldier, named Trebonius, the latter at length, to save his honour, put the infamous

C. Marii, propinquus ejus imperatoris, interfectus ab eo est, cui vim afferebat. Facere enim probus adolescens periculose, quam perpeti turpiter maluit. Atque hunc ille summus vir, scelere solutum, periculo liberavit. Insidiatori vero et latromi quæ potest inferri injusta nex? Quid comitatus nostri, quid gladii volunt? quos habere certe non liceret, si uti illis nullo pacto liceret. Est enim hæc, Judices, non scripta, sed nata lex; quam non didicimus, accepimus, legimus, verum ex natura ipsa arripuimus, hausimus, expressimus; ad quam non docti, sed facti; non instituti, sed imbuti sumus: ut, si vita nostra in aliquas insidias, si in vim, si in tela aut latronum, aut inimicorum, incidisset, omnis honesta ratio esset expediendæ salutis. Silent enim leges inter arma, nec se expectari jubent, cum ei, qui expectare velit, ante injusta

wretch to death. When the soldier was summoned before Marius, and the general had learned all the merits of the case, he bestowed a garland upon him, as a reward for his virtue. Comp. Plutarch, Mar. c. 14. Val. Max. VI. 1. 12. — *Probus.* i. e. *pudicus.* Comp. Hor. Epod. XVII. 40. Terence, Ad. V. 8. 7. Hence *improbus*, i. e. *impudicus*, Martial, V. 79. — *Periculose.* At the risk of being tried for his life, and condemned as a murderer. And the risk was the greater, since Trebonius was only a common soldier, while Lucius, on the other hand, was a military tribune, and a near relative of Marius.

Insidiatori et latroni. Insidiator properly signifies "a soldier who lies in ambush"; but here "a way-layer." *Latro*, "a hired soldier"; here "an assassin." These words are aptly joined in this place.—*Quid comitatus nostri.* The Romans when travelling were usually attended by a large body of servants, many of whom were armed with swords. "Familia servilis bellicosis nationibus major." Seneca de Benef. VII. 10: "Vehebatur Clodius equo: servi triginta expediti, ut illo tempore mos erat iter facientibus, gladiis cincti sequebantur." *Ascon.* —— *Non scripta.* Comp. Xenophon, Mem. IV. 4. 19. Soph. Ant. 454. This noble amplification of the law of nature is noticed by Quintilian, IX. 3. Comp. Orat. c. 49. — *Expressimus.* "Squeezed out," "extracted." Scheller interprets it "acquired." "Stamped in indelible characters upon our very frame!!" *Duncan.* — *Ad quam non docti.* So *doctæ ad malitiam*, "instructed in mischief," Terence, Hec. II. 1. 5. — *Imbuti sumus.* "Initiated from early infancy." Comp. Fin. II. 5. Phil. X. 10. In Tacitus, Ann. XII. 32. we read "imbuendis sociis ad officia legum." — *Omnis honesta ratio.* "Every means of securing our safety (*i. e.* of protecting and

pœna luenda sit, quam justa repetenda. Etsi persapienter, et quodammodo tacite, dat ipsa lex potestatem defendendi; quæ non hominem occidi, sed esse cum telo hominis occidendi causa vetat: ut, cum causa, non telum quæreretur; qui sui defendendi causa telo esset usus, non hominis occidendi causa habuisse telum judicaretur. Quapropter hoc maneat in causa, Judices. Non enim dubito, quin probaturus sim vobis defensionem meam, si id memineritis, quod oblivisci non potestis, insidiatorem jure interfici posse.

V. Sequitur illud, quod a Milonis inimicis sæpissime dicitur, cædem, in qua P. Clodius occisus est, senatum

saving our lives) would be honourable."

Etsi persapienter. A rhetorical correction: "Yet why say the laws are silent amidst arms, when very wisely, though as it were with tacit consent, the laws themselves grant the privilege of self-defence." Marius used to say, that "he could not hear the laws amidst the din of arms." "Cum eo ventum est, ut armis sit opus, frustra leges implores," was a proverb with the Romans. — *Ipsa lex.* The *Lex Cornelia de Sicariis*, enacted by Lucius Cornelius Sylla, the dictator. Some think the *Lex Plotia de Vi* is alluded to. Comp. c. 13. Fam. VIII. 8. — *Quæ non hominem.* "Which does not forbid slaying a man, but carrying a weapon for that purpose." So several Mss. and ancient edd. Others read *quæ non modo hominem*, which seems to militate against Cicero's reasoning. — *Esse cum telo.* Comp. c. 24. — *Ut, cum causa.* "So that, since the motive for carrying a weapon, not the weapon itself, is the object of inquiry, the man who used a weapon in self-defence is considered by the law not to have carried it for the purpose of committing homicide." — *Hoc maneat in causa.* "Let this justification of self-defence be a fixed principle in our plea." — *Non enim dubito.* "For I have no doubt, but that I shall prove my case fully to your satisfaction, if you only bear in mind," &c. — *Quod oblivisci non potestis.* Because it is the law of nature, that a waylayer may justly be slain.

Chap. V. *Sequitur illud.* "The next points to be refuted, which is very frequently asserted by the enemies of Milo," &c. — *Cædem in qua.* There were five other persons slain in the affray, besides Clodius. — *Senatum judicasse.* "The senate had passed two decrees in relation to the case of Milo: one was, that the murder of Clodius was an act against the state; the other, that the interrex, assisted by the tribunes and Pompey, *should take care that the republic should receive no detriment*, and that Pompey in particular should raise a body of troops for the common security. This being the case, Milo's enemies alleged that he was in a

judicasse contra rempublicam esse factam. Illam vero senatus, non sententiis suis solum, sed etiam studiis comprobavit. Quoties enim est illa causa a nobis acta in senatu! quibus assensionibus universi ordinis! quam nec tacitis, nec occultis! Quando enim frequentissimo senatu quatuor, aut ad summum quinque sunt inventi, qui Milonis causam non probarent? Declarant hujus ambusti tribuni plebis illæ intermortuæ conciones, quibus

manner already condemned by the senate. Cicero, in answer to this, endeavours, very artfully, to show, that Milo's conduct was so far from being condemned, that it was approved of by the senate. Milo, he alleges, was not affected by that decree of the senate, which declared the murder of Clodius to be an act against the state; since it was not such through his intention, being committed in self-defence, to which he had a natural right." *Duncan.* — *Illam vero senatus.* The senate, it is true, declared that the riot, in which Clodius was slain, was a dangerous attack upon the state; but then they rather approved of, than condemned, the conduct of Milo. Cicero shows this by the following arguments: That he himself was permitted to plead so often in defence of his client —That the whole body assented to his reasoning — That they loudly, and publicly, and almost unanimously applauded him—And that Minucius Plancus complained that the senate suffered themselves to be influenced by his persuasion. — *Quando enim frequentissimo.* In a very full house, consisting of four hundred senators, only four, or at most five, were found, and, among them, Titus Munatius Plancus Bursa, who did not approve of Milo's conduct. — *Ad summum.* These words relate either to time, or number: in the former case they signify *at the longest, at furthest;* in the latter, *at most,* as in this passage. *Aut* is omitted in the common editions; and *ad* enclosed in brackets by Orelle. Comp. c. 9. Att. XII. 43. XIII. 21. and Victorius Castig. in Cic. p. 9. *Ad summam* signifies "in short," as in the Off. I. 41. In Suetonius, Aug. c. 71. it signifies "on the whole."

Declarant hujus ambusti. "Those lifeless harangues of that scorched tribune of the people, in which he daily continued, in a censorious manner, to inveigh so bitterly against my power, prove," &c. *Ambustus,* "burned all round," "singed," "scorched." The tribune Plancus was haranguing the people, and inciting them against Milo, at the very time when the body of Clodius was burning; and did not give over till the flames compelled both his hearers and himself to retire. The *suggestum* was at that time in the *Comitium,* near the senate-house. *Ambustus* is also applied to a person who has escaped the sentence of the law by mere chance, but at the same time with loss of character, "blasted in his reputation." In which sense some take it here. Comp. Cic. Harusp. c. 3. Livy XXII. 35. — *Intermortuæ.* "Dead," "lifeless," "powerless." This harangue of Minucius

quotidie meam potentiam invidiose criminabatur, cum diceret, senatum, non quod sentiret, sed quod ego vellem, decernere. Quæ quidem si potentia est appellanda potius, quam, aut propter magna in rempublicam merita, mediocris in bonis causis auctoritas, aut, propter hos officiosos labores meos, nonnulla apud bonos gratia; appelletur ita sane, dummodo ea nos utamur pro salute bonorum contra amentiam perditorum. Hanc vero quæstionem, etsi non est iniqua, nunquam tamen senatus constituendam putavit. Erant enim leges, erant quæstiones, vel de cæde, vel de vi: nec tantum mœrorem ac luctum senatui mors P. Clodii afferebat, ut nova quæstio constitueretur. Cujus enim de illo incesto stupro judicium decernendi senatui potestas esset erepta; de ejus interitu quis potest credere, senatum judicium novum constituendum putasse? Cur igitur incen-

Plancus had little effect, for the senate, notwithstanding, concurred in the views of Cicero. Some render *intermortuæ* here "interrupted by the flames." — *Invidiose.* This may be translated, "exciting hatred against me."

Quæ quidem si potentia. "Which indeed if it must be called power, rather than a moderate share of authority in a just cause, in consequence of my signal services to the state, or a certain degree of interest with honourable men on account of these my willing labours," &c. — *Propter magna in remp.* He alludes to the detection and suppression of Catiline's conspiracy, which, according to Plutarch, were ever on his lips. — *Officiosos.* "Courteous," "ready to serve." *Officiosi labores* may signify those exertions which are made in defence of the innocent. Comp. Planc. c. 19. Verr. I. 24. Ovid, Pont. III. 2. 27. Horace, Epist. I. 7. 8. — *Hanc quæstionem.* The present extraordinary commission. See notes on c. 1. — *Erant enim leges.* Such as the Lex Cornelia de Sicariis, the Lex Plautia de Vi privata, the Lex Lutatia de Vi publica, &c. by which Milo might have been arraigned, without having recourse to an extraordinary commission. — *Judicium decernendi.* "The power of appointing a judicial inquiry." So "nulla quæstio decreta a senatu est," c. 7. Comp. Att. I. 10. "When the affair of Clodius's polluting the mysteries of the *Bona Dea* was brought before the senate, it was resolved to refer it to the college of priests, who declared it to be an abominable impiety: upon which the consuls were ordered to provide a law for bringing Clodius to trial before the people. But Q. Fusius Calenus, one of the tribunes, supported by all the Clodian faction, would not permit the law to be offered to the suffrage of the citizens. The affair being likely to produce great disorder, Hortensius

dium curiæ, oppugnationem ædium M. Lepidi, cædem hanc ipsam, contra rempublicam senatus factam esse decrevit? Quia nulla vis unquam est in libera civitate suscepta inter cives non contra rempublicam. Non enim est ulla defensio contra vim unquam optanda; sed nonnunquam est necessaria. Nisi vero aut ille dies, in quo Ti. Gracchus est cæsus, aut ille, quo Caius, aut quo arma Saturnini oppressa sunt, etiamsi e republica, rempublicam tamen non vulnerarunt.

VI. Itaque ego ipse decrevi, cum cædem in Appia factam esse constaret, non eum, qui se defendisset, contra rempublicam fecisse; sed, cum inesset in re vis et insidiæ, crimen judicio reservavi, rem notavi. Quod si per furiosum illum

proposed an expedient, which was accepted by both parties, that the tribune Fusius should publish a law for the trial of Clodius by the prætor, with a select bench of judges." *Duncan.* Comp. Att. I. 10. — *Oppugnationem ædium.* Manutius tells us, that the factions of Scipio and Hypsæus stormed the house of M. Lepidus, the interrex, threw down the images of his ancestors, and committed a variety of outrages, because he would not hold the comitia for the election of consuls, whilst the resentment of the populace was fresh against Milo.

Quia nulla vis unquam. Join *non* with *nulla:* "Because every act of violence, at all times, in a free state, committed by one citizen against another, is a crime against the republic." The rule of Law is: "Non est singulis concedendum, quod per magistratus fieri debet; ne majoris inde tumultus occasio oriatur." —— *Nisi vero.* "Unless, forsooth, it be pretended that," &c. *Nisi vero* and *nisi forte*, in the beginning of sentences, are used in irony. Comp. c. 7. 30. and 33. — *E republica.* "For the good of the state." So *e re mea*, "for my advantage," Att. V. 8. Comp. ad Brut. Ep. 5. Cicero, Orat. c. 47. condemns *ex republica;* yet he uses it himself ad Q. Fr. III. 9. and Balb. c. 27. — *Rempublicam tamen.* "Did not, however, inflict any heavy blow upon the republic." It must be admitted that those days did inflict a very heavy blow upon the state; though no one will deny that those parties were justly punished.

Chap. VI. *Itaque ego ipse decrevi.* "When it was manifest, therefore, that bloodshed had been committed on the Appian Way, I myself recorded my opinion," &c. Comp. ad Div. I. 1. — *Crimen judicio reservavi.* "I reserved the charge of a judicial inquiry; but censured the fact." Comp. c. 11. Phil. XIV. 8. Balb. c. 25. Orat. II. 85. — *Furiosum tribunum.* Minucius Plancus. *Furiosus* is an epithet usually given to violent persons, whether actually deprived of reason, or otherwise. Thus Clodius is called "*perditus ac furiosus*," c. 33. Tribunes in particular were called *furiosi;* and there are nume-

tribunum senatui, quod sentiebat, perficere licuisset, novam quæstionem nunc nullam haberemus: decernebat enim, ut veteribus legibus, tantummodo extra ordinem, quæreretur. Divisa sententia est, postulante nescio quo; nihil enim necesse est omnium me flagitia proferre. Sic reliqua auctoritas senatus, emta intercessione, sublata est. At enim Cn. Pompeius rogatione sua et de re et de causa

rous examples in Livy of their most outrageous behaviour towards the generals and the senate. — *Veteribus legibus.* "According to the ancient legal practice, but by a trial out of the usual course only." — *Extra ordinem.* Comp. c. 1.

Divisa sententia est. When any opinion, proposed to the senate, was thought too general, and to include several distinct articles, some of which might be approved, and others rejected; it was usual to require that it might be divided." *Duncan.* In demanding a division of this kind, one or more of the senators usually called out: *Divide; de singulis refer.* Comp. Fam. I. 2. — *Nescio quo.* This usually expresses a feigned ignorance, when one pretends not to know a person or thing, on account of his or its insignificance. In this case it may be often rendered "some insignificant," "some mean," "some trifling," "some poor," &c. Thus *causidicus nescio quis,* "some pettifogging lawyer," Orat. I. 46. Comp. c. 24. — *Sic reliqua auctoritas.* "Thus the remaining part of the senate's authority was frustrated by a hired protest," *i.e.* by bribery. See *Veto* and *Intercessio* in Adam's Rom. Ant. When the people were oppressed with debt, and were maltreated by their creditors, and received no protection from the senate, in the year of the city 261 they removed from Rome to the hill called Mons Sacer, and did not return until the senate granted them magistrates for themselves to be elected from their own body, who should protect them from the oppression of the senate. These were the *tribuni plebis.* At first there were two of them. In the year 283, five: although from the very first, the two tribunes chose three colleagues: in the year 297, ten; and by virtue of an ordinance, they were elected in the comitia tributa: and at this number they remained. They were from the ordinary rank of citizens (*de plebe*), but possessed great power. They could, by the word *veto*, protest against any decree of the senate, and proceedings of magistrates, whether prejudicial to the citizens, or not; and their authority was so great, that a decree of the senate could not come into force if the tribunes of the people had protested against it.

At enim Cn. Pompeius. "But then it is maintained that Cn. Pompey has already by his bill decided both on the matter of fact and on the merits of the case." *Rogatio* signifies "a proposed law" or "decree," and corresponds to our term "bill." The manner of proposing a bill was this: *Velitis, jubeatis, Quirites?* The person who approved the measure replied, *Uti rogas.*—Cicero now proceeds to refute the third assertion of

judicavit. Tulit enim de cæde, quæ in Appia via facta esset; in qua P. Clodius occisus esset. Quid ergo tulit? Nempe ut quæreretur. Quid porro quærendum est? Factumne sit? At constat. A quo? At paret. Vidit igitur, etiam in confessione facti, juris tamen defensionem suscipi posse: quod nisi vidisset, posse absolvi eum, qui fateretur, cum videret nos fateri, neque quæri unquam jussisset, nec vobis tam salutarem hanc in judicando literam, quam illam

the adversaries, that Pompey had already condemned Milo.

Appia via. A celebrated paved road, constructed by order of the censor Appius Claudius, surnamed *Cæcus.* It extended from the *Porta Capena* at Rome to Capua; not to Brundisium, as Aurelius Victor, III. 34. says; for the Roman territory did not at that time extend so far. But it was afterwards carried on as far as that city, by Julius Cæsar, Augustus, and Trajan. Comp. Livy, IX. 29. —— *Nempe ut quæreretur.* "That an inquiry, in fact, should be instituted." Scheller explains *nempe* in this passage "namely," comparing Tusc. V. 5. Verr. II. 51. but admits it may be rendered as above. —— *A quo?* "By whom has the homicide been committed?"—— *At paret.* "But that is evident." *Paret* is a term with lawyers. Thus Ulpian, Pand. VI. 1. 5. "Quantum paret in illo acervo esset." Comp. Petron. c. 137. Hence the formula *si paret*, Rosc. Com. c. 4. Verr. II. 12.

Vidit igitur, etiam. "Pompey saw, therefore, that, even in case of a confession of the fact, a plea of justification, notwithstanding, might be undertaken: and if he had not seen that he who acknowledged the deed might be acquitted, he never would, when he understood that we confessed it, have ordered the inquiry to be instituted, nor entrusted in your hands that letter, which in passing sentence absolves, as well as that which condemns." — *Quod nisi vidisset.* It is worthy of remark with what address Cicero conducts himself, with regard to Pompey, through the whole of this oration. He was very sensible what weight and influence Pompey had, and of what consequence it was to his cause to have it thought that he was Milo's friend. Accordingly he insinuates, in a very artful manner, that he was his friend, though he well knew the contrary. — *Salutarem literam.* The prætor gave to each judex three tablets: on one was written the letter A, for *absolvo;* on another the letter C, for *condemno;* and on the third N. L., *non liquet.* Each of the judices threw which of the tablets he thought proper into an urn. There was an urn for each order of the judges; one for the senators, another for the knights, and a third for the tribunes of the treasury. The prætor having taken out and counted the tablets, pronounced sentence accordingly. If a majority gave the letter A, the prætor said, *Non videtur fecisse.* If the letter C, *Videtur fecisse.* If N. L., the cause was deferred, *causa ampliata est.* The letter A was called *litera salutaris;* and the tablet, on which it was marked,

tristem dedisset. Mihi vero Cn. Pompeius non modo nihil gravius contra Milonem judicasse, sed etiam statuisse videtur, quid vos in judicando spectare oporteret. Nam qui non pœnam confessioni, sed defensionem dedit, is causam interitus quærendam, non interitum putavit. Jam illud dicet ipse profecto, quod sua sponte fecit, Publione Clodio tribuendum putet, an tempori?

VII. Domi suæ nobilissimus vir, senatus propugnator, atque, illis quidem temporibus, pæne patronus, avunculus hujus nostri judicis, fortissimi viri, M. Catonis, tribunus plebis M. Drusus, occisus est. Nihil de ejus morte populus consultus, nulla quæstio decreta a senatu est. Quantum luctum in hac urbe fuisse a nostris patribus accepimus, cum

tabella absolutoria. The letter C was called *tristis*, and the tablet *damnatoria*. Comp. ad Q. Fr. II. 6. Verr. V. 6. Acad. IV. 47. Sueton. Aug. c. 33. Martial, VII. 36.

Non modo nihil. "But in my opinion, Cn. Pompey seems not only not to have determined any thing severe against Milo, but even to have decreed what you ought to keep in view in forming your verdict." Varro de L. L. VIII. 13. "Iidem ex sermone si quid deperiit, non modo nihil impendunt, sed etiam," &c. In like manner Cicero uses *non modo nemo . . . sed etiam*, and *non modo nullus . . . sed etiam.* Comp. c. 13. pro Sext. c. 14. and pro Balb. c. 10. — *Publione Clodio.* "Whether it should be attributed to his regard for Publius Clodius, or to circumstances." These circumstances are mentioned afterwards, c. 8. "Sed homo sapiens atque alta et divina quadam mente præditus, multa vidit: fuisse sibi illum inimicum," &c.

Chap. VII. *Nobilissimus vir.* "M. Livius Drusus was tribune in the year of Rome 631. He was a man of good abilities, natural and acquired; a great orator, and very rich. The senate, by their solicitations, engaged him to combine with them against his colleague C. Gracchus, and assisted him in procuring a decree for planting twelve new colonies, each of three thousand Romans, in order to supplant Caius in the esteem of the people, though without any view to their real advantage. He afterwards incurred the displeasure of the senate, and was assassinated in his attempt of publishing a law to confer the freedom of the city upon some of the principal towns of Italy, to whom he had promised it, and who had formed themselves into a confederacy in order to support their demand of it." *Duncan.* Comp. Velleius Paterculus, II. 13. — *Nostri judicis.* M. Porcius Cato, afterwards surnamed Uticensis, on account of having destroyed himself at Utica, was grandson of Cato the censor. His mother was Livia, the sister of Marcus Livius Drusus. — *Nulla quæstio decreta.* "No inquiry was instituted." Comp. c. 5. —

P. Africano, domi suæ quiescenti, illa nocturna vis esset illata! Quis tum non gemuit? quis non arsit dolore! quem immortalem, si fieri posset, omnes esse cuperent, ejus ne necessariam quidem expectatam esse mortem? Num igitur ulla quæstio de Africani morte lata est? Certe nulla. Quid ita? quia non alio facinore clari homines, alio obscuri necantur. Intersit inter vitæ dignitatem summorum atque infimorum: mors quidem illata per scelus iisdem et pœnis teneatur et legibus. Nisi forte magis erit parricida, si quis consularem patrem, quam si quis humilem necaverit; aut eo mors atrocior erit

P. Africano. "This was P. Africanus Minor. There are various reports about the violence done to him, and the authors of it. Appian says, that he was found dead in his bed in the morning, without any appearance of a wound, after having been conducted home from the senate-house the day before, by the whole body of the senators. Plutarch tells us, that it was thought there appeared, on the dead body, some marks of blows and violence; that most people accused Fulvius, Africanus's declared enemy; that there was some suspicion even of Caius Gracchus; and that the people, for fear he should be found guilty, would not suffer any inquiry into the matter. From this variety of reports about the violence done to him, it seems most probable that prejudice and party spirit invented the whole, and that he really died a natural death, which, according to Velleius Paterculus, was the opinion of most authors." *Duncan.* —— *Quem immortalem.* "That not even the natural death of that man was waited for, whom all men desired, if possible, to be immortal." — *Necessariam.* "Inevitable," that which must have happened in the course of nature, if waited for. *Necessitas* is often used for "fate," or "destiny." Comp. Sext. c. 21. Tacitus, Ann. XV. 51. Hist. I. 72. Horace, Od. I. 3. 32. I. 35. 17. III. 1. 14. Besides, *fatum* signifies a "natural death," in Cicero, Cœl. c. 32. Phil. I. 4.; and *fato obire* and *mori fataliter*, "to die a natural death." Comp. Tacit. Ann. VI. 10. Eutrop. I. 11. So *fato perire*, Virgil, Æn. IV. 696. According to Cicero, Somn. Scip. Africanus died in his fifty-sixth year. — *Quia non alio.* "Because illustrious men are not slain with one degree of guilt, and the ignoble with another"— because the guilt of homicide is the same, whether the murdered individual had been of high or of low situation in life. Here Cicero follows the dogma of the Stoics, as suited to his cause: ἴσα τὰ ἁμαρτήματα. —— *Nisi forte magis.* "Unless, forsooth, that man be a more heinous parricide, who shall have killed a father of consular dignity, than he who shall have killed a father in an humble station." So *nisi vero*, a little after. Comp. c. 5. — *Aut eo mors. Eo . . . quod* and *eo . . . quia* are sometimes put for *propterea, quod*, "therefore . . . . . .

P. Clodii, quod is in monumentis majorum suorum sit interfectus. Hoc enim sæpe ab istis dicitur. Perinde quasi Appius ille Cæcus viam munierit, non qua populus uteretur, sed ubi impune sui posteri latrocinarentur! Itaque in eadem ista Appia via, cum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum: homo enim nobilis in suis monumentis equitem Romanum occiderat: nunc ejusdem Appiæ nomen quantas tragœdias excitat! Quæ cruentata antea cæde honesti atque innocentis viri silebatur, eadem nunc crebro usurpatur, posteaquam latronis et parricidæ

because." Comp. Fam. III. 6. Offic. II. 13. Terence, Eun. III. 1. 25. — *Monumentis.* Plural for singular, as in Tacitus. Ann. III. 23. and 72. The partisans of Clodius continually urged, as an aggravation of the crime, that the murder had been perpetrated on the Appian way, a monument of the ancestors of Clodius. Appius Claudius, the censor, was an ancestor of P. Clodius. Comp. c. 6. — *Perinde quasi.* "Just as if the great Appius Cæcus," &c. *Ille* is often used thus in speaking of celebrated personages. So *Nasica ille prudens*, Tusc. i. 9. Comp. Valla, Eleg. II. 4. *Perinde quasi* sometimes denotes irony. Comp. Verr. I. 28. Tusc. I. 36. — *Cæcus.* The Potitian family, who were hereditary priests at the altar of Hercules, by the persuasion of Appius, entrusted the solemn rites of their office to public slaves. The consequence was, that, though they were not fewer than thirty, all grown-up persons, they were every one cut off within the year. Appius himself was struck blind some years afterwards. Comp. Livy, I. 7. IX. 29. Hence the appellation *Cæcus.*

Itaque in eadem. And therefore, *i.e.* because Appius Cæcus paved the Appian road, that his posterity might have the privilege of committing deeds of violence there, &c. —— *M. Papirium occidisset.* "Clodius had, by stratagem, got into his hands the son of king Tigranes, whom Pompey brought with him from the east, and kept a prisoner at Rome, in the custody of Flavius the prætor; and, instead of delivering him up when Pompey demanded him, undertook, for a large sum of money, to give him his liberty, and send him home. This occasioned a sharp engagement between him and Flavius, who marched out of Rome, with a body of men well armed, to recover Tigranes by force: but Clodius proved too strong for him, and killed a great part of his company; and among them M. Papirius, Pompey's intimate acquaintance, whilst Flavius also himself had some difficulty to escape with life." *Duncan.— Quantas tragœdias.* "What a mighty disturbance!" "what an excitement!" Comp. Quintil. VI. 1. 36. — *Parricidæ. Parricida* properly signifies "the murderer of a parent." The term, however, was usually applied by the Romans to

sanguine imbuta est. Sed quid ego illa commemoro? Comprehensus est in templo Castoris servus P. Clodii, quem ille ad Cn. Pompeium interficiendum collocarat: extorta est confitenti sica de manibus. Caruit foro postea Pompeius: caruit senatu: caruit publico: janua se, ac parietibus, non jure legum judiciorumque texit. Num quæ rogatio lata? num quæ nova quæstio decreta est? Atqui, si res, si vir, si tempus ullum dignum fuit, certe hæc in illa causa summa omnia fuerunt. Insidiator erat in foro collocatus, atque in vestibulo ipso senatus: ei viro autem mors parabatur, cujus in vita nitebatur salus civitatis: eo porro reipublicæ tempore, quo, si unus ille occidisset, non hæc solum civitas, sed gentes omnes concidissent. Nisi vero, quia perfecta res non est, non fuit punienda; perinde quasi exitus rerum, non hominum consilia legibus vindicentur. Minus dolendum fuit, re non perfecta; sed puniendum certe nihilo minus. Quoties ego ipse, Judices, ex P. Clodii telis, et ex cruentis ejus

him who slew any free-born person. One of the laws of Numa Pompilius runs thus: "Si quis hominem liberum dolo sciens morti duit, parricida esto." Comp. Cicero, Catil. I. 12. and Festus on "Parici."—*In templo Castoris.* The temple of Castor and Pollux. Comp. Sueton. Jul. X. 3. "This temple was contiguous to the forum and the senate-house. It was built by Posthumius in honour of Castor and Pollux, who were said to have appeared during the battle of Regillus, upon white horses; to have marched at the head of the Roman cavalry, striking terror among the Latins; and in the evening, after the battle, to have carried the first news of the victory to Rome." *Duncan.* — *Caruit foro.* "He absented himself from the forum, from the senate," &c. He lived in retirement. Comp. Att. IX. 19. ad Div. VII. 53. Terence, Heaut. I. 1. 85.

Atqui, si res. "And yet, if any circumstance, if any person, if any time, merited such a procedure," &c. Here are three considerations of sufficient importance to require an extraordinary commission: the heinousness of the crime, the dignity of the personage, and the critical juncture with respect to the state. — *Eo porro tempore.* A.U.C. 695. Cicero was then in exile, Cato in Cyprus, and Cæsar in Gaul. — *Nisi vero.* Comp. c. 3. — *Sed puniendum certe.* Juvenal, XIII. 219. "Nam scelus inter se tacitum qui cogitat ullum Facti crimen habet." — *Quoties ego ipse.* Thrice: first before Cicero was driven into exile; a second time,

manibus effugi! ex quibus si me non vel mea, vel reipublicæ fortuna servasset, quis tandem de interitu meo quæstionem tulisset?

VIII. Sed stulti sumus, qui Drusum, qui Africanum, Pompeium, nosmetipsos, cum P. Clodio conferre audeamus. Tolerabilia fuerunt illa: P. Clodii mortem æquo animo nemo ferre potest. Luget senatus; mœret equester ordo; tota civitas confecta senio est; squalent municipia; afflictantur coloniæ; agri denique ipsi tam beneficum, tam salutarem, tam mansuetum civem desiderant. Non fuit ea causa, Judices, profecto non fuit, cur sibi censeret Pompeius quæstionem ferendam; sed homo sapiens, atque alta et divina quadam mente præditus, multa vidit; fuisse sibi illum inimicum, familiarem Milonem. In communi omnium lætitia, si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatæ gratiæ. Multa etiam alia vidit, sed illud maxime: quamvis atro-

after his return to Rome; and lastly, a short time before Clodius was killed by Milo. Comp. c. 14.

CHAP. VIII. *Sed stulti sumus.* Irony. — *Luget senatus.* The senate, which had been insulted by Clodius and his partisans. — *Mœret equester ordo.* The equestrian order, which he would have annihilated. — *Tota civitas.* The state, which Clodius had disturbed. — *Senio.* "With sadness"; one of the concomitants of old-age. Comp. Plaut. Truc. II. 5. 13. Plaut. Stich. I. 1. 19. — *Squalent.* "Are in mourning." Comp. Sext. c. 14. — *Desiderant.* "Pine for the loss of," "regret." — *Cur sibi censeret.* Hitherto Cicero had shown why this extraordinary commission should never have been appointed. Now he gives the reasons for the appointment; at the same time condemning the thing itself, but excusing the man. In an epistle to Appius Pulcher, Fam. III. 10. he is surprised at the patience and forbearance of Pompey during the delivery of this oration: "Qua denique ille facilitate, qua humanitate tulit contentionem meam pro Milone, adversantem interdum actionibus suis?" — *Fides reconciliatæ gratiæ.* Pompey and Clodius had been bitter enemies, in consequence of the conduct of the latter respecting the son of Tigranes. See notes on c. 7. But a reconciliation took place between them about three years previous to the death of Clodius. The cause assigned by Manutius for this reconciliation is, that a daughter of Appius Claudius, brother of Publius Clodius, had been married to a son of Pompey.

Quamvis atrociter. "That, though he himself had enacted with great severity, you would decide justly."

citer ipse tulisset, vos tamen fortiter judicaturos. Itaque delegit e florentissimis ordinibus ipsa lumina: neque vero, quod nonnulli dictitant, secrevit in judicibus legendis amicos meos. Neque enim hoc cogitavit vir justissimus, neque in bonis viris legendis id assequi potuisset, etiamsi cupisset. Non enim mea gratia familiaritatibus continetur, quæ late patere non possunt propterea, quod consuetudines victus non possunt esse cum multis. Sed, si quid possumus, ex eo possumus, quod respublica nos conjunxit cum bonis. Ex quibus ille cum optimos viros legeret, idque maxime ad fidem suam pertinere arbitraretur, non potuit legere non studiosos mei. Quod vero te, L. Domiti, huic quæstioni præesse maxime voluit, nihil quæsivit aliud, nisi justitiam, gravitatem, humanitatem,

— *Fortiter*. "Rightly," "justly." Comp. Terence, Ad. IV. 2. 27. This is generally rendered "resolutely." — *E florentissimis*. "Out of the most illustrious orders" from among the senators, knights, and tribunes of the treasury. Asconius says, "Nunquam neque clariores viros, neque sanctiores lectos esse." Comp. c. 2. — *Ipsa lumina*. "The very luminaries," the very ornaments of those orders. So "lumen et ornamentum reipublicæ," c. 14. "lumen civitatis," Catil. III. 10. Comp. Red. in Sen. c. 4. Fin. II. 22. — *Neque vero*. Some read *nec vero*. Comp. Phil. II. 8. — *Secrevit*. "Set apart," "rejected."

Consuetudines victus. "Convivial intercourse." The same expression occurs Orat. c. 10. "Non voluptas et oblectatio, sed honestas et reipublicæ ratio conjunxit cum bonis." *Zurck.*—*Sed si quid possumus*. "But if I have any influence, it arises from this," &c.—*Fidem suam*. "His oath," which he took as a magistrate, and in which he devoted his own person, and that of his family, to the anger of the gods, if he willingly deceived, or did not administer justice fairly and honestly.—*Non potuit legere non*. "He could not but select." *Non possum non* is the same as *non possum quin*, "I cannot but," *i.e.* "I must." Comp. Att. VIII. 2. Nat. Deor. II. 21. — *L. Domiti*. Lucius Domitius Aënobarbus, who by the influence of Pompey presided at the trial. He was the son of Cn. Domitius Aënobarbus, and distinguished himself as the rival and enemy of Cæsar. When appointed by the senate to succeed Cæsar in Gaul, he showed his ignorance of military manœuvres, by throwing himself into Corfinium, instead of uniting his forces with those of Pompey; and so apprehensive was he of the resentment of his victorious enemy, that he attempted to destroy himself by poison; but was prevented by his slave. He died afterwards at the battle of Pharsalia, where he

fidem. Tulit, ut consularem necesse esset: credo, quod principum munus esse ducebat, resistere et levitati multitudinis, et perditorum temeritati. Ex consularibus te creavit potissimum; dederas enim, quam contemneres populares insanias, jam ab adolescentia documenta maxima.

IX. Quamobrem, Judices, ut aliquando ad causam crimenque veniamus; si neque omnis confessio facti est inusitata; neque de causa quicquam nostra aliter, ac nos vellemus, a senatu judicatum est; et lator ipse legis, cum esset controversia nulla facti, juris tamen disceptationem esse voluit; et electi judices, isque præpositus quæstioni, qui hæc juste sapienterque disceptet: reliquum est, Judices, ut nihil jam aliud quærere debeatis, nisi, uter utri insidias fecerit. Quod quo facilius argumentis perspicere possitis, rem gestam vobis dum breviter expono, quæso diligenter attendite. P. Clodius cum statuisset omni scelere in prætura vexare rempublicam, videretque ita

headed one of the wings of Pompey's army. — *Te creavit.* Not Pompey himself, but the senate through his influence.—*Dederas enim, quam contemneres.* "He refers to the conduct of Domitius in his prætorship, during which Cn. Manlius, one of the tribunes of the people, enacted a law, that the freed-men of every tribe should have a power of voting; and took possession of the Capitol in a forcible manner, from which he was driven by Domitius, and several of his followers slain." *Duncan.* From what follows, it would appear, that some other more early circumstance is alluded to; although the term *adolescentia* is indefinite; but generally supposed to be from about the thirteenth year to thirty and upwards. — *Jam ab adolescentia.* "From your very youth." So *jam a principio nominis Romani*, "from the very origin of the Roman people," pro Balb. c. 13.

CHAP. IX. *Aliquando.*" At length." —— *Si neque omnis confessio.* "If a confession of the fact be not altogether unusual." Thus "non omnis moriar," Horace, Od. III. 30. 6. He briefly sums up his refutation of the three extra-judicial sentences pronounced by the Clodian party. Comp. c. 3. seqq. —— *Aliter ac nos. Aliter ac, aliter atque*, and *aliter atque ut*, "otherwise than," are more elegant than *aliter quam.* This last, however, is used by Cicero, Verr. I. 9, —— *Et electi judices.* Supply *sunt.* —— *Isque præpositus.* Supply *est*: "And Lucius Domitius Aënobarbus is appointed to preside," &c. —— *P. Clodius, cum.* Cicero now enters on the Narration, which occu-

tracta esse comitia anno superiore, ut non multos menses prætúram gerere posset; qui non honoris gradum spectaret, ut ceteri, sed et L. Paulum collegam effugere vellet, singulari virtute civem, et annum integrum ad dilacerandam rempublicam quæreret; subito reliquit annum suum, seque in annum proximum transtulit, non, ut fit, religione aliqua, sed ut haberet, quod ipse dicebat, ad prætúram gerendam, hoc est, ad evertendam rempublicam, plenum annum atque integrum. Occurrebat ei, mancam ac debilem prætúram suam futuram, consule Milone: eum porro summo consensu populi Romani consulem fieri videbat. Contulit se ad ejus competitores;

pies the remainder of this and the following chapter. —— *Ita tracta esse comitia.* A. U.C. 700. through the factions of the city and the turbulence of the tribunes, no consuls had been appointed till six months had elapsed, when Cn. Domitius Calvinus and M. Valerius Messala were elected. —— *Ad dilacerandam.* "To tear to pieces," "to distract." *Lacerare* is more usual in this sense. Thus "lacerare patriam," Off. I. 17. "rempublicam," Sallust. in Orat. Philippi contra Lepid. Comp. Lucan, X. 44. and Juvenal, IV. 37. Scheller renders *dilacerare* in the present passage "to overthrow." —— *Reliquit annum suum.* He declined the prætorship the year when he could legally accept that office, and reserved himself as a candidate for the subsequent year. Anciently, there was no certain age fixed for enjoying the different offices. In the 573 of Rome, Lucius Villius passed a law, called Lex Annalis, whereby the ages appointed for the different offices were, for the quæstorship 31 years; for the ædileship 37; for the prætorship 40; and for the consulship 43. — *Non ut fit.* "Not, as occasionally happens, in consequence of any religious scruple." Irregular auspices, or bad omens, sometimes interrupted important undertakings. Comp. Horace, Od. III. 27. 1. seqq. —— *Mancam ac debilem.* "Maimed and powerless." These words are nearly synonymous. At the same time that Milo was candidate for the consulship, Clodius was putting up for the prætorship, and employing all his credit and interest to disappoint Milo, by whose obtaining the consulship he was sure to be eclipsed and controlled in the exercise of his subordinate magistracy. —— *Eum porro.* Αὐτὸν δέ. "Him on the other hand he observed," &c. *Porro* is often used in continuation for *autem*, δὲ, δή. Comp. Planc. c. 33. pro Domo, c. 51. — *Summo consensu.* A strong argument why Milo should not desire to get rid of Clodius. It was notorious, however, that they both threatened each other with death. Comp. Att. IV. 3.

Contulit se. He joined with Milo's

sed ita, totam ut petitionem ipse solus, etiam invitis illis, gubernaret; tota ut comitia suis, ut dictitabat, humeris sustineret. Convocabat tribus; se interponebat; Collinam novam, delectu perditissimorum civium, conscribebat. Quanto ille plura miscebat, tanto hic magis in dies convalescebat. Ubi vidit homo ad omne facinus paratissimus, fortissimum virum, inimicissimum suum, certissimum consulem, idque intellexit non solum sermonibus, sed etiam suffragiis populi Romani sæpe esse declaratum; palam agere cœpit, et aperte dicere, occidendum Milonem. Servos agrestes et barbaros, quibus sylvas publicas depopulatus erat, Etruriamque vexarat, ex Apennino deduxerat, quos videbatis. Res erat minime obscura; etenim palam dictitabat, consulatum Miloni eripi non posse; vitam posse. Significavit hoc sæpe in senatu: dixit in concione. Quinetiam Favonio, fortissimo viro, quærenti ex eo, qua spe fureret, Milone vivo, respondit, Triduo illum, ad summum quatriduo, periturum. Quam vocem ejus ad hunc M. Catonem statim Favonius detulit.

opponents, Q. Metellus Scipio and P. Plautius Hypsæus. —— *Se interponebat.* "Intermingled with them, in order to corrupt the tribes with money. *Scheller.* — *Collinam novam.* Supply *tribum.* Some read *coloniam novam.* Zurck conjectured *colluviem. Collina* was one of the original tribes established by Romulus. See Adam's Roman Ant. p. 90. ed. Major. — *Quanto ille plura.* "The more disturbance Clodius made, the more Milo daily increased in favour."

Servos agrestes. It was usual with the wealthy Romans to support large numbers of slaves in the country. Some are said to have had as many as two thousand on their estates — *Quibus sylvas publicas.* Supply *cum.* "With whom he ravaged the public forests, and harassed Etruria." Comp. Tacit. Ann. II. 46. Cicero endeavours to make Clodius more hateful, by insinuating that he kept his slaves for the purpose of laying waste the republic. — *Vitam posse. Autem* is elegantly omitted after a negative. Comp. de Senect. c. 18. Valla Eleg. II. 24. —— *Significavit.* "Hinted." —— *Dixit.* "Declared openly." — *Quinetiam.* For *immo etiam:* "Nay, even to Favonius," &c. Comp. c. 24. de Amic. c. 16. Offic. I. 22. Fam. VII. 1. This Favonius was called "The ape of Cato," because he imitated his manners. He is called by Plutarch ζηλωτὴς Κάτωνος. Augustus cruelly put him to death, after the battle of Philippi. Comp. Val. Max. II. 10. 8. Sueton. Aug. c. 13.— *Triduo illum.* Comp. c. 16. —— *Ad summum.* "At furthest." This

X. Interim cum sciret Clodius, (neque enim erat difficile scire,) iter solenne, legitimum, necessarium, ante diem XIII. Calendas Feb. Miloni esse Lanuvium ad flaminem prodendum, quod erat dictator Lanuvii Milo; Roma subito ipse profectus pridie est, ut ante suum fundum, (quod re intellectum est,) Miloni insidias collocaret. Atque ita profectus est, ut concionem turbulentam, in qua ejus furor desideratus est, quæ illo ipso die habita est, relinqueret; quam, nisi obire facinoris

phrase signifies, also, "at most," "at best." Orelle reads *aut summum*, omitting *ad*. Comp. c. 5. and Tursell. VIII. 2. 9.

CHAP. X. *Iter solenne.* "An annual journey." — *Legitimum.* "Appointed by law." — *Necessarium.* Because Milo was dictator of Lanuvium. "This was a municipal town on the Appian way, about twelve miles from Rome. The famous temple of Juno Sospita was in this place, to officiate in which a priest was yearly nominated by a magistrate called a dictator." *Duncan.* — *Ante diem* XIII. *Calendas.* This expression, usually written *a. d.* XIII. *Cal.*, is frequent in Cicero and Livy, and means the thirteenth day before the Calends of February; the day of the Calends itself being counted as one, *i.e.* the twentieth of Jauuary. To reduce Calends to English reckoning, it will be necessary to add one to the number of days of the month in which the given day happens, and to subtract from the sum the number denoting the day, less one: the remainder will be the day of the month corresponding to the given day of the Calends. Thus, for *a. d.* XIII. *Feb.*, 31+1—(13—1)=20. *i.e.* the twentieth of January.— *Ad flaminem prodendum.* "To proclaim" or "appoint a priest" for the temple of Juno Sospita. It was enacted by law, that the dictator of Lanuvium should nominate, annually, about this period, a person to fill that office. *Prodere* properly signifies "to declare openly." Hence "to proclaim," "nominate," "constitute," or "appoint" a public officer *sine suffragiis populi.* Comp. de Leg. III. 4. Livy, III. 40. V. 31. — *Dictator.* A chief officer in a city or municipal town, so called *a dictando*, from publishing edicts, or proclamations, which were as binding on the people as the laws. Comp. Sueton. Jul. c. 77. He was sometimes called *magister populi*, Senec. Epist. 108. and *prætor maximus*, Livy, VII. 3. This magistracy seems to have been borrowed from the Albans. Comp. Livy, I. 23. —— *Ante fundum suum.* "In front of his Albanian villa." Comp. c. 20. An estate in the country, on which were erected a dwelling-house and other necessary buildings, was called *fundus.* The house and offices were called *villa.* — *Re.* "By the event."

Ut concionem turbulentam. Caius Crispus Sallustius, the historian, and Quintus Pompey, on the day of the murder, harangued the people in violent language against Milo, and in support of his opponents Scipio and Hypsæus. — *Nisi obire facinoris*

locum tempusque voluisset, nunquam reliquisset. Milo autem, cum in senatu fuisset eo die, quoad senatus dimissus est, domum venit; calceos et vestimenta mutavit; paulisper, dum se uxor, ut fit, comparat, commoratus est; deinde profectus est id temporis, cum jam Clodius, si quidem eo die Romam venturus erat, redire potuisset. Obviam fit ei Clodius, expeditus, in equo, nulla rheda, nullis impedimentis, nullis Græcis comitibus, ut solebat;

locum. "To be present at the appointed time and place of the murderous attack." Comp. Phil. III. 8. Att. XIII. 14. — *Senatus dimissus est.* The senate was dismissed by the consul in this form: "Nihil vos moramur patres conscripti." — *Calceos et vestimenta mutavit.* "The Roman senators were distinguished from all the other citizens by the ornaments of their ordinary dress and habit, especially by their vest and tunic, and the fashion of their shoes; of which the old writers make frequent mention. The peculiar ornament of the tunic was the *latus clavus*, as it was called, being a broad stripe of purple, sewed upon the fore part of it, and running down the middle of the breast, which was the proper distinction between them and the knights, who wore a much narrower stripe of the same colour, and in the same manner. The fashion also of their shoes was peculiar, and different from that of the rest of the city. This difference appeared in the colour, shape, and ornament of the shoes. Their colour was black; their form somewhat like a short boot, reaching up to the middle of the leg, as they are sometimes seen in ancient statues and bas-reliefs; and their proper ornament was the figure of a half-moon sewed or fastened upon the fore-part, near the ancles; designed, according to some writers, to express the letter C, the numerical mark of an hundred, which was the original number of the senate, when it was first instituted by Romulus." *Duncan.* —— *Paulisper, dum. Parumper* and *paulisper* are usually followed by *dum*, "whilst," "until." Comp. Terence, Andr. IV. 2. 31. Plaut. Mil. II. 2. 41. *Paulisper, donec*, occurs in Livy, XXXVIII. 26. —— *Uxor.* Fausta, the daughter of Lucius Sylla. She was notorious as a woman of loose habits. —— *Id temporis.* Elegantly for *eo tempore*, "at so late an hour," &c. Comp. Att. XIII. 33. de Orat. II. 90. So *id ætatis* for *ea ætate*, pro Rosc. Amer. c. 23. — *Si quidem venturus erat.* "If indeed he had intended to return," &c. — *Expeditus.* "Unencumbered." The term is properly applied to soldiers who are "without baggage"—"ready for an engagement." Comp. c. 21. — *Nulla rheda.* For *sine ulla rheda:* "without a travelling coach." Comp. Att. VI. 1. Sueton. Jul. Cæs. c. 57. It is said properly to have been a Gallic carriage. Comp. Quintil. I. 5. 57. Cæsar, B. G. I. 51. — *Nullis Græcis.* "Without any Greek attendants." It was customary with the great at Rome, when they travelled, to have about them, besides their freedmen and slaves, a number of freeborn

sine uxore, quod nunquam fere: cum hic insidiator, qui iter illud ad cædem faciendam apparasset, cum uxore veheretur in rheda, pænulatus, magno impedimento, ac muliebri et delicato ancillarum puerorumque comitatu. Fit obviam Clodio ante fundum ejus hora fere undecima, aut non multo secus. Statim complures cum telis in hunc faciunt de loco superiore impetum. Adversi rhedarium occidunt. Cum autem hic de rheda, rejecta pænula, desiluisset, seque acri animo defenderet, illi, qui erant cum Clodio, gladiis eductis, partim recurrere ad rhedam, ut a tergo Milonem adorirentur; partim, quod hunc jam

people, generally Greeks, men of learning, who were peculiarly devoted to them, and treated on a familiar footing. These gentlemen were styled *comites*, *amici*, *cohors amicorum*; also *contubernales* and *commensales*, and consisting partly of persons holding a particular office with the patron, as tutor, private secretary, physician, &c. These *Græculi*, among whom were frequently seen even grey-bearded men, flocked to Rome in troops, in order to obtain if possible a place in some good family: and they were looked upon with an eye of envy by the poor Roman scholar, who was starving in his own country. —— *Sine uxore.* "Without his wife" Fulvia, who usually attended him. Fulvia afterwards married Curio, and finally M. Antony. She took part in all the intrigues of her last husband's triumvirate, and shewed herself cruel and revengeful. When Cicero's head had been cut off, by order of Antony, Fulvia ordered it to be brought to her; when, in venting her impotent rage, she spat upon it, and thrust her golden bodkin through his tongue. — *Hic insidiator.* Said ironically of Milo. — *Pænulatus.* Wrapped up in his travelling cloak. The *pænula* was a thick upper garment worn by the Romans, both men and women, in winter, or cold weather, and also in travelling. Comp. Quintil. VI. 3. 66. Juvenal, V. 79.

Hora fere undecima. The Romans divided the day into twelve hours, from sun-rise to sun-set. And as Clodius was slain on the twentieth of January, when the Roman hour consisted of about fifty minutes only, the hour mentioned here would be about twenty-five minutes past three, in the afternoon, English time. — *Non multo secus.* Not long before, or after, *i.e.* thereabout. — *De loco superiore.* This shows that the party of Clodius had previously chosen the vantage-ground. — *Cum autem hic.* "But when Milo leaped from the chariot," &c. —— *Partim recurrere.* A part of them ran back in the direction of the Albanian villa, whence they were coming, to attack Milo, who had passed them; and a part remained to assault Milo's attendants who were travelling behind. "*Recurrere* versus Romam." *Weiske.* *Recurrere* may be taken absolutely

interfectum putarent, cædere incipiunt ejus servos, qui post erant: ex quibus, qui animo fideli in dominum et præsenti fuerunt, partim occisi sunt, partim, cum ad rhedam pugnari viderent, et domino succurrere prohiberentur, Milonemque occisum etiam ex ipso Clodio audirent, et re vera putarent; fecerunt id servi Milonis, (dicam enim non derivandi criminis causa, sed ut factum est,) neque imperante, neque sciente, neque præsente domino, quod suos quisque servos in tali re facere voluisset.

XI. Hæc, sicut exposui, ita gesta sunt, Judices: insidiator superatus, vi victa vis, vel potius oppressa virtute audacia est. Nihil dico, quid respublica consecuta sit: nihil, quid vos: nihil, quid omnes boni: nihil sane id prosit Miloni, qui hoc fato natus est, ut ne se quidem servare potuerit, quin una rempublicam vosque servaret. Si id jure non posset, nihil habeo quod defendam. Sin hoc et ratio doctis, et necessitas barbaris, et mos gentibus, et feris natura ipsa præscripsit, ut omnem semper vim quacumque ope possent, a corpore, a capite, a vita sua

here, or *incipiunt* may be supplied from below.—*Animo præsenti.* "Resolute." Comp. Orat. II. 20. Terence, Phorm. V. 7. 6. — *Re vera.* Τῷ ὄντι, "in reality": "thought that it was really the case." In place of *re vera*, some MSS. and printed edd. have *ita esse*, which seems to be an explanation of the former. Weiske gives both readings *et ita esse re vera putarent.*—*Non derivando.* "Not with the view of turning the accusation upon another." A metaphor from diverting the course of a river. Terence, Phorm. II. 2. 9. "Derivare in se omnem iram." Comp. Verr. IV. 20. Att. IV. 3.

CHAP. XI. *Vi victa vis.* Paronomasia. *Vis* here has a double force. As applied to Milo, it is equivalent to *virtus*; but with respect to Clodius it is the same as *audacia.*—*Nil dico quid resp.* "I say nothing of the advantage which the state has obtained by the death of Clodius." Brutus had written a defence of Milo, the chief argument of which was based on the benefit accruing to the state, and to society in general, from the death of so dangerous a character as Clodius. Cicero endeavours to show that he depends mainly on the justice of his cause.—*Quin una remp.* "Without preserving at the same time," &c. So *quin simul judicetis*, below. — *Si id jure non posset. Posset* for *potuisset*: "If Milo could not have slain an

propulsarent; non potestis hoc facinus improbum judicare, quin simul judicetis, omnibus, qui in latrones inciderint, aut illorum telis, aut vestris sententiis esse pereundum. Quod si ita putasset; certe optabilius Miloni fuit dare jugulum P. Clodio, non semel ab illo, neque tum primum petitum, quam jugulari a vobis, quia se illi non jugulandum tradidisset. Sin hoc nemo vestrum ita sentit; illud jam in judicium venit, non, occisusne sit, quod fatemur; sed jure, an injuria: quod multis in causis sæpe quæsitum est. Insidias factas esse constat; et id est, quod senatus contra rempublicam factum judicavit. Ab utro factæ sint, incertum est. De hoc igitur latum est ut quæreretur. Ita et senatus rem, non hominem, notavit; et Pompeius de jure, non de facto, quæstionem tulit.

XII. Numquid igitur aliud in judicium venit, nisi, uter utri insidias fecerit? profecto nihil. Si hic illi; ut ne sit impune. Si ille huic; tum nos scelere solvamur. Quonam igitur pacto probari potest, insidias Miloni fecisse Clodium? Satis est quidem in illa tam audaci, tam nefaria bellua, docere, magnam ei causam, magnam spem in

assassin in self-defence," &c. — *Quin simul judicetis.* "Without deciding at the same time," &c.

Quod si ita putasset. If Milo had thought that he had no other alternative, than to perish either by the hands of an assassin, or by your decisions, he certainly would have preferred dying by the dagger of Clodius, to save his country from the stain of a condemnation so infamous. — *Quam jugulari a vobis.* "Than to be condemned to death by you, for this reason, that he did not submit to have his throat cut by Clodius." — *Illud jam in judicium.* "Then this comes before you for your decision." Quintilian, II. 21. 18. uses *in deliberationem* as well as *in judicium*. — *Rem, non hominem.* "Censured the deed, not the individual." Comp. c. 5. Phil. XIV. 8. Orat. II. 85. The word is used also in the same sense by Horace, Sat. I. 3. 24. I. 4. 5. — *De jure, non facto.* "And Pompey instituted an inquiry, not upon the matter of fact, but upon the point of law."

CHAP. XII. *Numquid igitur aliud.* "Does any other question then come before you for your decision, than which of the two way-laid the other?" — *Hic illo.* "Milo lay in ambush for Clodius."— *Ille huic.* "Clodius lay in ambush for Milo."—*Tum nos.*

Milonis morte propositam, magnas utilitates fuisse. Itaque illud Cassianum, CUI BONO FUERIT, in his personis valeat. Etsi boni nullo emolumento impelluntur in fraudem, improbi sæpe parvo. Atqui, Milone interfecto, Clodius hoc assequebatur, non modo ut prætor esset non eo consule, quo sceleris nihil facere posset; sed etiam ut iis consulibus prætor esset, quibus si non adjuvantibus, at conniventibus certe, speraret, se posse rempublicam eludere in illis suis cogitatis furoribus. Cujus illi conatus, ut ipse ratiocinabatur, nec, si possent, reprimere cuperent, cum tantum beneficium ei se debere arbitrarentur; et, si vellent, fortasse vix possent frangere hominis sceleratissimi corroboratam jam vetustate audaciam. An vero,

Supply *ut*.—*Illud Cassianum*. "That question of Cassius: *For whose advantage was it? Cui bono fuerit?* might also signify, "for what advantage was it?" but not here. "We are told by Asconius, that Cassius was a man of great severity; and that when he was examiner in any case of murder, he always exhorted, nay commanded, the judges to inquire what prospect of advantage could arise to the murderer from the fact. Valerius Maximus says, that his tribunal, on account of his excessive severity, was called *the rock of criminals*." Duncan. Comp. Phil. II. 14. — *In his personis*. "May be important in the case of these parties." — *Etsi boni*. Horace, Epist. I. 16. 52: "Oderunt peccare boni virtutis amore. Tu nihil admittes in te formidine pœnæ."

Non modo ut prætor. "Not only that he might be prætor when Milo was not consul," &c. — *Quo sceleris*. Supply *consule*. — *Sed etiam, ut iis*. "But also that he might be prætor under those consuls, (Scipio and Hypsæus,) under whom he hoped," &c.— *Quibus*. Supply *consulibus*. — *Rempublicam eludere*. "Overreach the republic with respect to his schemes of premeditated turbulence." Comp. Acad. IV. 39. Rosc. Amer. c. 44. and Ruperti on Tacitus, Ann. XVI. 28.—*Cujus*. This refers to *se*, meaning Clodius. — *Illi*. Scipio and Hypsæus. — *Beneficium*. Alluding to the support he gave them during their struggle for the consulship. — *Corroboratam vetustate*. "Confirmed by time." The Delphin editor says this is a metaphor from trees, which the more aged they are, as oaks for instance, the harder they are. "Dum se vinea corroboravit." Colum. IV. 12.

An vero, Judices. Quintilian, IX. 2. in treating of the figure *Amplificatio*, says: "Non solum quæ acta sint, aut fiant, sed etiam quæ futura sint, aut futura fuerint, imaginamur. Mire tractat hæc Cicero pro Milone, quæ facturus fuerit Clodius, si præ-

Judices, vos soli ignoratis, vos hospites in hac urbe versamini? vestræ peregrinantur aures, neque in hoc pervagato civitatis sermone versantur, quas ille leges, (si leges nominandæ sunt, ac non faces urbis, et pestes reipublicæ,) fuerit impositurus nobis omnibus, atque inusturus? Exhibe, quæso, Sexte Clodi, exhibe librarium illud legum vestrarum, quod te aiunt eripuisse e domo, et ex mediis armis, turbaque nocturna, tanquam Palladium sustulisse, ut præclarum videlicet munus, ac instrumentum tribunatus, ad aliquem, si nactus esses, qui tuo arbitrio tribu-

turam invasisset." — *Vos hospites in hac urbe.* "Urget, instat, obruit." *Abrah.* Zurck cites here the following from Demosthenes, περὶ Στεφ. c. 16. Ἀλλὰ μισθωτὸν ἐγώ σε πρότερον Φιλίππου καὶ νῦν Ἀλεξάνδρου καλῶ, καὶ οὗτοι πάντες. Εἰ δ' ἀπιστεῖς, ἐρώτησον αὐτούς. Μᾶλλον δ' ἐγὼ τοῦθ' ὑπὲρ σοῦ ποιήσω. Πότερον ὑμῖν, ὦ ἄνδρες Ἀθηναῖοι, μίσθωτος Αἰσχίνης ἢ ξένος εἶναι Ἀλεξάνδρου δοκεῖ; Ἀκούεις ἃ λέγουσι. The verb *versari* is often used in the signification of "to live"; but oftener signifies "to be occupied," as in the next clause. Comp. c. 20. — *Peregrinantur aures.* "Are your ears wandering abroad?" *i.e.* are they ignorant? —— *Si leges nominandæ.* Epanorthosis, or a rhetorical correction. —— *Inusturus.* "To brand upon us." A metaphor from *branding* slaves. "Lex inusta per servos," Pis. c. 13. Comp. Syll. c. 31. Cat. I. 6. Cluent. c. 46.

Sexte Clodi. Sextus Clodius was a kinsman of Publius. Cicero calls him his secretary. He was the person, who, according to Asconius, carried the dead body into the senate-house. —— *Librarium.* "A case for books and writings." Comp. Ammian. XXIX. 2. 11. The Delphin editor explains it by *codicem.* — *Eripuisse e domo.* "Rescued from the house of Publius Clodius." — *Tanquam Palladium.* "The *Palladium* was a wooden image of Pallas. The Trojans fancied that it fell from heaven into an uncovered temple; and were told by the oracle, that Troy could not be taken whilst that image remained there. [*Ætheream servate Deam, servabitis urbem.*] Which being understood by Diomedes and Ulysses, they stole into the temple, surprised and slew the keepers, and carried the image away: it was brought to Rome, by whom is uncertain, placed in the temple of Vesta, and rescued from the flames of that edifice by Metellus the high-priest." *Duncan.* —— *Munus ac instrumentum.* "A noble legacy and instructions for a tribuneship." All the instruments and documents of the state, *i.e.* all the decrees of the senate and people, were called *instrumenta imperii.* Comp. Sueton. Aug. c. 102. Vesp. c. 8. Cicero always places *ac* before consonants, and *atque* before vowels, with the exception of the present passage, which is, therefore, suspected by critics.

natum gereret, deferre posses. Et aspexit me illis quidem oculis, quibus tum solebat, cum omnia omnibus minabatur. Movet me quippe lumen curiæ.

XIII. Quid? tu me iratum, Sexte, putas tibi, cujus tu inimicissimum multo crudelius etiam punitus es, quam erat humanitatis meæ postulare? Tu P. Clodii cruentum cadaver ejecisti domo; tu in publicum jecisti: tu spoliatum

Comp. Burm. on Sueton. Jul. c. 26. Cic. de N. D. III. 33. —— *Deferre posses.* Orelle inserts here in the text: *Atque per* [*omnes tribus divisis libertinis servos ille omnes, qui in libertate morarentur, lege nova additurus erat, ut ipsi cum ingenuis æqualiter suffragia ferrent.*] *An hujus ille legis, quam Sextus Clodius a se inventam gloriatur, mentionem* facere *ausus esset, vivo Milone, ne dicam consule? De nostrum enim omnium . . . non audeo totum dicere. Videte, quid ea vitii lex habitura fuerit, cujus periculosa etiam reprehensio est.* And he adds the following note: Primum hoc supplementum a Peyroneo, (præeunte Garatonio, qui tamen ad priorem, id est, vere habitam pro Milone orationem Tullianam referebat,) desumtum e Quintil. IX. 2. et Schol. Ambrosiano ad Orat. pro Ære Alieno Milonis, p. 97. ed. Maii. Deerant tamen sic quoque quædam, quorum supplementum do Beierianum Fragm. Cic. p. 132. melius utique hoc Peyroniano: *Atque permultas leges præter jus et æquitatem excogitatas cum recitare possem, unam tantum exponam, Judices, ceterarum omen atque firmamentum. Ille enim majora suis legibus suffragia, atque latrociniis arma comparaturus constituerat, ut servis qui privata dominorum voluntate manumissi in libertate morabantur, justa libertas ac civitas Romana cum suffragio in rusticis tribubus ipso jure daretur.*

Et aspexit me. Zurck supposes that S. Clodius, in consequence of this attack upon himself, had cast a furious look at Cicero, which made the orator exclaim: "And he has cast a look at me," &c. Some read *en aspexit;* others, *et respexit.* —— *Tum solebat.* During the tribuneship of Publius Clodius. —— *Movet me quippe.* "That luminary of the senate, forsooth, affects me!" Abramius observes that *lumen curiæ* is a *double entendre,* containing both irony and sarcasm, as alluding to the burning of the senate-house.

CHAP. XIII. *Punitus es.* "You have punished — you have treated with much more cruelty," &c. This form occurs only in the Offices, I. 25. Comp. Invent. II. 25. Apul. Met. VIII. p. 107. Elmenh. It is found in the signification of "to revenge," Phil. VIII. 2. — *Quam erat humanitatis.* "Than was consistent with my natural feelings to demand." — *Cruentum.* Without even being washed, which custom and common decency required. Speaking of Tarquinius Priscus, Ennius says: "Tarquinii corpus bona fœmina lavit et unxit." The dead body of Clodius, it appears, was brought to his own house by the senator Tedius, who found it on the Appian road. — *Cadaver ejecisti.* "You cast out of his

imaginibus, exsequiis, pompa, laudatione, infelicissimis lignis semiustulatum, nocturnis canibus dilaniandum, reliquisti. Quare etsi nefarie fecisti, tamen, quoniam in meo inimico crudelitatem expromsisti tuam, laudare non possum, irasci certe non debeo. P. Clodii præturam

house," &c. Dead bodies are said *ejici*, "to be cast forth," when they are hurried out of the house in a careless or a disrespectful manner. Comp. Pis. c. 9. Horace, Sat. I. 8. 8. and the commentators thereon. —— *In publicum abjecisti.* "You flung into the public streets, *i. e.* into the forum. Asconius says: "Sicut in lectulo positum erat, in rostra delatum cadaver." — *Imaginibus.* We learn from Pliny, N. H. XXXV. 2. that the Roman nobility kept in their halls waxen images of their ancestors; and that when any of the family died, these were carried in the funeral procession, on frames and couches, in the same dress as when alive. Comp. Propert. — *Exsequiis.* "Funeral solemnities," "obsequies." — *Pompa.* "The funeral procession." The order of the funeral procession was regulated, and every one's place assigned him, by a person called *Designator*, an undertaker or master of the ceremonies, attended by lictors. Comp. Att. IV. 2. de Legg. II. 24. Horace Epist. I. 7. 6. — *Laudatione.* At the funeral of an illustrious Roman, the corpse was carried through the forum; where the procession stopped, and a funeral oration (*laudatio*) was delivered, in praise of the deceased, from the rostra, by some near relation, or friend. Comp. Orat. II. 84. Sueton. Jul. c. 84. Aug. c. 110. —— *Infelicissimis lignis.* Catullus, XXXVI. 8. condemns the Annales, or Scripta, of Volusius "*infelicibus ustulanda lignis*," *i. e.* lignis abominandis. The plural *ligna* is often used to signify "fire-wood." Comp. Verr. I. 27. Cato R. R. 130. Horace, Od. I. 9. 5. The term *infelix* is applied to trees which are barren; also to the timber on which malefactors are executed. Comp. Plin. N. H. XVI. 26. XXIV. 9. Macrob. II. 16. The seats and furniture of the senate-house are meant here. — *Semiustulatum.* "Half-burnt." This word occurs again in Varro ap. Non. IV. 76. and in Prudentius, Perist. II. 348. de Sancto Laurentio. — *Nocturnis canibus.* This was the greatest injury and insult that could possibly be offered to a dead body. See the commentators on Virgil, Æn. IX. 485.

Etsi nefarie. "Though you have acted impiously, yet since you wreaked your cruelty with respect to my enemy, (*i. e.* against my enemy,) while I cannot praise you, certainly I ought not to be angry with you." It was considered cruel, and even impious, to deprive a corpse of the rites of sepulture. The old editions generally have, *Quam rem etsi necessario fecisti*; the word *necessario* signifying, that Sextus was compelled by the burning of the senate-house to retreat hastily and leave the body. — *Crudelitatem expromsisti.* So "suum expromsit odium," Att. II. 12. The Delphin editor explains *expromsisti* by *ostendisti*, "you displayed." —— *Non debeo.* After these words, Orelle inserts: [*Demonstravi, Judices, quantum Clodii inter-*]*fuerit occidi Milonem; convertite animos nunc vivicissim*

non sine maximo rerum novarum metu proponi, et solutam fore videbatis, nisi esset is consul, qui eam auderet possetque constringere. Eum Milonem unum esse, cum sentiret universus populus Romanus, quis dubitaret suffragio suo, se metu, periculo rempublicam liberare? At nunc P. Clodio remoto, usitatis jam rebus enitendum est Miloni, ut tueatur dignitatem suam. Singularis illa, et huic uni concessa gloria, quæ quotidie augebatur frangendis furoribus Clodianis, jam Clodii morte cecidit. Vos adepti estis, ne quem civem metueretis: hic exercitationem virtutis, suffragationem consulatus, fontem per-

ad Milonem. Quid Milonis intererat interfici Clodium? Quid erat, cur Milo, non dicam admitteret, sed optaret? Obstabat in spe consulatus Miloni Clodius. At eo repugnante fiebat; immo vero, eo fiebat magis, nec me suffragatore meliore utebatur, quam Clodio. Valebat apud vos, Judices, Milonis erga me remque publicam meritorum memoria; valebant preces et lacrymæ nostræ, quibus ego tum vos mirifice moveri sentiebam; sed plus multo valebat periculorum impendentium timor. Quis enim erat civium, qui sibi solutam P. Clodii præturam sine maximo rerum novarum metu proponeret? Solutam autem fore videbatis, &c. The five words in brackets are supplied by Peyronius from conjecture. Beierius supplies them thus: [*Audistis, Judices, quantum Clodio pro-*]*fuerit, &c.* The remainder is taken from the Taurinian MS.

P. Clodii præturam. After the digression beginning above at *An vero, Judices, &c.* c. 12. he now returns to the prætorship, which Clodius was aiming at: "You saw the prætorship of P. Clodius set before you not without the greatest fear of a revolution," &c. —*Proponi.* "Threatened," "impending." It is said of a thing set before a person as an object of terror. Comp. c. 30. Att. II. 19. Div. VI. 3. —*Solutam.* "Unbridled," "free from all restraint." — *Nisi esset is consul.* "Unless that man were consul, who could," &c.—*Constringere* is opposed to *solutam*, above. —*Eum Milonem unum esse.* "When all the Roman people were convinced, that Milo alone was the man," &c. —*At nunc.* Another of the arguments why Milo had no interest in the death of Clodius: While Clodius was living, Milo gained great popularity by opposing him; but now, since he has been put out of the way, Milo has to struggle in the ordinary course for popular favour. This is explained in the following period. *At non P. Clodius* is the usual reading, of which Zurck confesses he cannot make sense. He therefore proposes, *An non .... dignitatem suam?* — *Vos adepti estis.* "You have gained this advantage by the death of Clodius, that," &c. — *Fontem perennem.* Quintilian, VIII. 6.

ennem gloriæ suæ perdidit. Itaque Milonis consulatus, qui, vivo Clodio, labefactari non poterat, mortuo denique tentari cœptus est. Non modo igitur nihil prodest, sed obest etiam Clodii mors Miloni. At valuit odium, fecit iratus, fecit inimicus, fuit ultor injuriæ, punitor doloris sui. Quid? si hæc, non dico majora fuerunt in Clodio, quam in Milone, sed in illo maxima, nulla in hoc? Quid vultis amplius? Quid enim odisset Clodium Milo, segetem ac materiem suæ gloriæ, præter hoc civile odium, quo omnes improbos odimus? Ille, erat, ut odisset, primum defensorem salutis meæ; deinde vexatorem furoris, domitorem armorum suorum; postremo etiam accusatorem suum. Reus enim Milonis lege Plotia fuit Clodius, quoad vixit. Quo tandem animo hoc tyrannum tulisse creditis? quantum odium illius? et, in homine injusto, quam etiam justum?

XIV. Reliquum est, ut jam illum natura ipsius consuetudoque defendat: hunc autem hæc eadem coarguant. Nihil per vim unquam Clodius; omnia per vim Milo. Quid ergo, Judices? cum, mœrentibus vobis, urbe cessi,

gives this among his examples of excellent metaphors. — *Milonis consulatus.* The consulship he had in expectancy, which he was canvassing for. Thus in Virgil, Æn. I. 364: "Portantur avari Pygmalionis opes," *i. e.* quas cupiebat. — *Tentari.* "To be endangered." — *Sed obest etiam.* "But even injures him." Comp. c. 6. Therefore the "cui bono fuerit" of Cassius is in favour of Milo. — *At valuit odium.* Prolepsis: "But Milo's opponents will urge, that hatred prevailed," &c. — *Civile odium.* Such as is peculiar to upright citizens. So *civile discordium*, such as usually happens among citizens, Tacit. Ann. XIV. 60. — *Ille, erat, ut odisset.* For *erat ut ille odisset:* "He had reason to hate," &c. Comp. Cœl. c. 6. Tibull. I. 6. 24. Propert. I. 20. 13. Virgil, Ecl. x. 46. —— *Defensorem salutis meæ.* Milo, when tribune, had assisted in obtaining Cicero's recal from exile. — *Accusatorem suum.* Milo had indicted Clodius by virtue of the *Lex Plotia de Vi*, for making an assault on the workmen who were employed in rebuilding Cicero's house. This indictment, it appears, hung over him to the time of his death. — *Tyrannum.* "The tyrant" Clodius. — *Et in homine injusto.* "And even how excusable in a man so unjust as Clodius."

CHAP. XIV. *Nil per vim.* Irony.

judiciumne timui? non servos, non arma, non vim? Quæ fuisset igitur causa justa restituendi mei, nisi fuisset injusta ejiciendi? Diem mihi, credo, dixerat: mulctam irrogarat: actionem perduellionis intenderat; et mihi videlicet in causa, aut mala, aut mea, non et præclarissima et vestra judicium timendum fuit. Servorum et egentium civium et facinorosorum armis meos cives, meis consiliis periculisque servatos, pro me objici nolui. Vidi enim, vidi hunc ipsum Q. Hortensium, lumen et orna-

—*Urbe cessi.* A.U.C. 695. Clodius being then tribune of the people, proposed a law, that whosoever had taken the life of a Roman citizen uncondemned and without a trial, should be prohibited from fire and water. Comp. Vel. Paterc. II. 45. This was levelled at Cicero, for having put Catiline's accomplices to death. "When Cicero found himself reduced to the condition of a criminal by this law, he changed his habit, as was usual in the case of a public impeachment, and appeared about the streets in a sordid or mourning gown, to excite the compassion of his fellow-citizens; whilst Clodius, at the head of his mob, contrived to meet and insult him at every turn, reproaching him for his cowardice and dejection, and throwing dirt and stones at him." *Duncan.* The knights, nobles, and the entire senate petitioned the consuls Piso and Gabinius to interfere in Cicero's favour; but their prayer was disregarded. Cicero went into exile the day before the act passed; and the senators and all Cicero's friends put on mourning.

Diem mihi, credo, dixerat. "He had appointed a day for my trial. I suppose." Ironically When any person was to be accused, the magistrate who preferred the charge, called an assembly, mounted the rostrum, and declared that he would against a certain day accuse a particular person of a particular crime, and ordered that the person accused should then be present. This was called *dicere diem.* —— *Mulctam irrogarat. Irrogare mulctam* signifies "to propose" to the people the imposition of "a fine:" *dicere mulctam*, "to impose a fine." *Actionem perduellionis.* "Instituted an action of treason." *Perduellis* was anciently used for *hostis:* afterwards it signified "an enemy to citizens," or "to the state." Hence *perduellio*, "hostility," came to signify "violence against one's citizens," or "against the state"—"treason." —— *Et mihi videlicet.* Ironically: "And I had to dread the event of a trial, forsooth, in a cause, not most glorious, but a bad one; not yours, but my own." — *Meos cives, pro me objici.* Pompey and other friends of Cicero advised him to raise a body of citizens and others against Clodius, and to oppose force to force; but to this he objected. — *Q. Hortensium.* Clodius summoned into the Flaminian Circus all the nobles and knights who had espoused the cause of Cicero,

mentum reipublicæ, pæne interfici servorum manu, cum mihi adesset: qua in turba C. Vibienus, senator, vir optimus, cum hoc cum esset una, ita est mulcatus, ut

to give an account of their conduct; but as soon as they appeared, he ordered his slaves and mercenaries to fall upon them with drawn swords, and volleys of stones, in such a manner that Hortensius was almost killed, and Vibienus, another senator, so desperately wounded, that he died shortly after. Comp. Sext. c. 12. "This Hortensius was a very celebrated orator: he reigned absolute in the Roman forum, when Cicero first entered it; and as his superior fame was the chief spur to Cicero's industry, so the shining specimen which Cicero soon gave of himself made Hortensius likewise the brighter for it, by obliging him to exert all the force of his genius to maintain his ground against his young rival. They passed a great part of their lives in a kind of equal contest and emulation of each other's merits; but Hortensius, by the superiority of his years, having passed through the usual gradation of public honours, and satisfied his ambition by obtaining the highest, began to relax somewhat of his old contention, and give way to the charms of ease and luxury, to which his nature strongly inclined him, till he was forced at last, by the general voice of the city, to yield the post of honour to Cicero. He published several orations, which were extant long after his death; and it were much to be wished that they had remained to this day, to enable us to form a judgment of the different talents of these two great men; but they are said to have owed a great part of their credit to the advantage of his action, which yet was thought to have more art than was necessary to an orator, so that his compositions were not admired so much by the reader, as they had been by the hearers. He was generally allowed however, by the ancients, and by Cicero himself, to have possessed every accomplishment which could adorn an orator: elegance of style; art of composition; fertility of invention; sweetness of elocution; gracefulness of action. The prodigious strength of his memory is particularly celebrated. A remarkable instance of it is recorded by the elder Seneca. He undertook, it seems, as a proof of its force, to attend a whole day at a public auction, and give an exact account of every thing that was put up to sale, of the price at which it was sold, and of the name of every particular purchaser; and this he accordingly executed, without failing in a single article. Notwithstanding the rivalship between our orator and him, there was a mutual friendship between them. The harmony, so unusual with those who contend together for the same prize, was greatly owing to the good offices of Atticus; who seems, indeed, upon all occasions, to have employed the remarkable influence he had with all parties, in reconciling differences, and cementing friendships." *Duncan.* — *Lumen et ornamentum.* "The luminary and ornament of the republic." The "principal men" in a state are called *lumina.* Comp. c. 8. Catil. III. 10. Fin. II. 22. *Lumen* is used in the sense of "protection" in Livy, I.

vitam amiserit. Itaque quando illius postea sica illa, quam a Catilina acceperat, conquievit? Hæc intentata nobis est; huic ego vos objici pro me non sum passus; hæc insidiata Pompeio est; hæc istam Appiam, monumentum sui nominis, nece Papirii cruentavit; hæc, hæc eadem, longo intervallo, conversa rursus est in me; nuper quidem, ut scitis, me ad regiam pæne confecit. Quid simile Milonis? cujus vis omnis hæc semper fuit, ne P. Clodius, cum in judicium detrahi non posset, vi oppressam civitatem teneret. Quem si interficere voluisset, quantæ, quoties occasiones, quam præclaræ fuerunt? Potuitne, cum domum ac Deos Penates suos, illo oppugnante, defenderet, jure se ulcisci? Potuitne, cive egregio et viro fortissimo, P. Sextio, collega suo, vulnerato? Potuitne, Q. Fabricio, viro optimo, cum de reditu meo

39. and in Cicero, Syll. c. 11. — *Mulcatus.* "Beaten," "ill-treated." — *Quam a Catilina.* Catiline and Clodius had been friends in early life. It is even said that Clodius had left Rome for the purpose of joining Catiline's camp; but that on his way he repented, and returned to the city.

Hæc intentata nobis est. "It was directed against me." So in Livy, IX. 6. "gladii plerisque intentati." Comp. Tacit. Hist. I. 69. — *Hæc insidiata Pompeio.* In the consulship of Piso and Gabinius, Clodius contrived a plot against the life of Pompey. — *Nece Papirii.* Comp. c. 7. — *Hæc, hæc eadem. Idem* is often elegantly used in continuation after a frequent repetition of *hic*, or *ille*. Comp. Att. VIII. 3. de Amic. c. 27. — *Nuper quidem, ut scitis.* On the eleventh of November, A.U.C. 696. Clodius met Cicero in the Sacra Via, and presently assaulted him with stones, clubs, and swords. Cicero was not prepared for the encounter, and took refuge in the vestibule of the next house; where his attendants rallying in his defence, beat off the assailants, and could easily have killed Clodius, if Cicero were willing. Asconius thinks the attack upon Cicero, here alluded to, happened in the consulship of Domitius and Messala, when the parties of Hypsæus and Milo fought, and several were killed on the side of Milo. — *Ad regiam.* "Near the palace of Numa," which at that period still existed in the Sacra Via.

Quid simile Milonis? "What action of Milo was ever similar to this?" — *P. Sextio.* Comp. pro Sext. c. 39. P. Sextius was Milo's colleague in the tribuneship, and was earnest in Cicero's recal from banishment. When accused of sedition and of the murder of those who had fallen in the tumult occasioned by Clodius, he was ably defended by Cicero and Hortensius, and acquitted. — *Q. Fabricio.* Fabricius was also a

legem ferret, pulso, crudelissima in foro cæde facta? Potuitne, L. Cæcilii, justissimi fortissimique prætoris, oppugnata domo? Potuitne illo die, cum est lata lex de me? cum totius Italiæ concursus, quem mea salus concitarat, facti illius gloriam libens agnovisset; ut, etiam si id Milo fecisset, cuncta civitas eam laudem pro sua vindicaret?

XV. At quod erat tempus? Clarissimus et fortissimus consul, inimicus Clodio, P. Lentulus, ultor sceleris illius, propugnator senatus, defensor vestræ voluntatis, patronus illius publici consensus, restitutor salutis meæ; septem prætores; octo tribuni plebis, illius adversarii, defensores mei; Cn. Pompeius, auctor et dux mei reditus, illius

colleague of Milo, and proposed the recalling of Cicero from exile. Comp. pro Sext. c. 35. Red. in Sen. c. 8. — *L. Cæcilii.* Cæcilius was prætor A.U.C. 696. Asconius says he could not find any account of this attack upon the house of Cæcilius the prætor. It appears, however, that Tiro gave a full account of the transaction to Cicero. — *Cum est lata lex.* When a law was enacted for recalling Cicero from banishment. This act was passed on the twenty-fifth of May A.U.C. 696. in a very full house, of four hundred and seventeen senators, without one dissenting voice, except that of Clodius. — *Facti illius gloriam.* "All Italy would have willingly celebrated it as a glorious action." — *Si id Milo.* "Even if Milo alone had done the deed, the whole state would have claimed the glory of it to itself."

Chap. XV. *At quod erat tempus?* "But what was the juncture?" Comp. c. 4. — *Clarissimus et fortissimus.* "The very time when there was a most distinguished and intrepid consul, P. Lentulus," &c. P. Cornelius Lentulus Spinther was consul A.U.C. 696. He was one of Pompey's friends, and accompanied him to the battle of Pharsalia. This is the person to whom Cicero's First Book of Epistles is addressed. —— *Restitutor salutis meæ.* The first step taken by Lentulus, after obtaining the consulship, was to propose a vote to recal Cicero; and when Clodius interrupted him, and recited that part of the law which made it criminal to move any thing about it, Lentulus declared it to be no law, but a mere proscription and an act of violence. Comp. post Red. in Sen. c. 4. — *Septem prætores.* Only one prætor, Appius Claudius, opposed Cicero's return.—*Octo tribuni plebis.* All the ten new tribunes had solemnly promised to serve Cicero; yet Clodius found means to corrupt two of them, S. Attilius Serranus, and Numerius Quinctius Gracchus; by whose help he was enabled still to make head against Cicero's party, and retard his restoration. — *Cn.*

hostis; cujus sententiam senatus omnis de salute mea gravissimam et ornatissimam secutus est; qui populum Romanum cohortatus est; qui, cum de me decretum Capuæ fecisset, ipse cunctæ Italiæ cupienti, et ejus fidem imploranti, signum dedit, ut ad me restituendum Romam concurrerent. Omnia tum denique in illum odia civium ardebant desiderio mei; quem si qui tum interemisset, non de impunitate ejus, sed de præmiis cogitaretur. Tamen se Milo continuit, et P. Clodium in judicium bis, ad vim nunquam, vocavit. Quid? privato Milone, et reo ad populum, accusante P. Clodio, cum in Cn. Pompeium pro Milone dicentem impetus factus est; quæ tum non modo

Pompeius. Pompey, who through envy of Cicero's glory suffered Clodius to procure his banishment, was the first to think of recalling him. The affront he received from Clodius with respect to the son of Tigranes, as well as a desire to correct his arrogance, and to ingratiate himself with the senate and people, urged him on to propose a bill to this effect. —— *Decretum.* "Pompey presided in person, when the inhabitants of Capua, where he had planted a colony, made a decree to Cicero's honour: he took the trouble likewise of visiting all the other colonies and chief towns in these parts, to appoint them a day of general rendezvous at Rome, to assist at the promulgation of the law for Cicero's return." *Duncan.* — *Cunctæ Italiæ.* "Gave the signal to all Italy," *i. e.* advised and persuaded. A metaphor from warfare. Piso. c. 15. "Mei capitis servandi causa Romam uno tempore, quasi signo dato, Italia tota convenit." The Delphin editor thinks this alludes to the custom of hanging out colours from the Capitol, in times of great disturbance, purple to recal the infantry, blue to recal the cavalry, from the surrounding districts. — *Desiderio mei.* "Through a longing for me." Comp. Red. Quir. c. 1.

Et P. Clodium. "And though he summoned P. Clodius twice into a court of justice, he never had recourse to violence." The verb *vocavit* properly belongs to *in judicium:* and as *vocare ad vim* is not Latin, we must supply *decurrit*, or some similar word. —— *Privato Milone.* That is, when his tribunate was at an end. A person who never held office, and he who ceased to hold office, was called *privatus.* A. U. C. 697. when Clodius obtained the ædileship, the tables were turned between him and Milo: the one was armed with the authority of a magistrate, the other became a private man; the one freed from all apprehension of the judges and a trial, the other exposed to all the danger from the power of his antagonist: and it was not the custom of Clodius to neglect any advantage against an enemy, so that he now accused Milo of the same crime of which Milo had accused him, of public violence, and of

occasio, sed etiam causa illius opprimendi fuit? Nuper vero cum M. Antonius summam spem salutis bonis omnibus attulisset, gravissimamque adolescens nobilissimus reipublicæ partem fortissime suscepisset, atque illam belluam, judicii laqueos declinantem, jam irretitam teneret: qui locus, quod tempus illud, Dii immortales! fuit? cum se ille fugiens in scalarum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nulla sua invidia, Antonii vero maxima gloria? Quid? comitiis in Campo quoties potestas fuit! cum ille vi in septa irruisset, gladios distringendos, lapides jaciendos curasset, deinde subito, vultu Milonis perterritus, fugeret ad Tiberim, vos et omnes boni vota faceretis, ut Miloni uti virtute sua liberet?

XVI. Quem igitur cum omnium gratia noluit; hunc

a breach of the laws. —— *Cum M. Antonius.* "It is difficult to say what part of Antony's conduct Cicero here refers to. Some commentators imagine, nor is it improbable, that he employed forcible measures in opposition to Clodius, when he was forming a new tribe of the scum of the citizens, and that Cicero refers to this." *Duncan.* — *Irretitam.* A metaphor from hunters' toils. — *Cum se ille fugiens.* "When Clodius, making his escape, had concealed himself in the dark recesses of a staircase, was it a noble exploit for Milo to despatch that pest of his country, without incurring any odium, but rather with the greatest glory of Antony?" Phil. II. 9. "Quidnam homines putarent si tum occisus esset, cum tu illum in foro spectante populo Romano stricto gladio insecutus es, negotiumque transegisses, nisi ille se sub scalas tabernæ librariæ conjecisset." — *Comitiis in Campo.* At the *comitia consularia* in the Campus Martius, which was situate between the city and the Tiber. — *In septa irruisset.* The *septa*, otherwise called *ovilia*, were places in the Campus Martius, enclosed with boards, within which the Roman people voted at the comitia. Comp. Att. IV. 16. When there were no comitia, goods were exposed there for sale; and many idle persons walked about, and amused themselves with looking at the wares, or made purchases. Comp. Martial, IX. 60. 1. — *Ut Miloni.* "That Milo would be pleased to display his valour," *i.e.* to put Clodius to death.

Chap. XVI. *Quem igitur cum.* A recapitulation of the arguments in c. 14. "Can it be supposed that Milo chose to kill that man and incur the displeasure of some, whom he would not despatch, when he might have gained the favour of all? and that he did not hesitate to slay

voluit cum aliquorum querela? quem jure, quem loco, quem tempore, quem impune non est ausus; hunc injuria, iniquo loco, alieno tempore, periculo capitis, non dubitavit occidere? Præsertim, Judices, cum honoris amplissimi contentio, et dies comitiorum subesset; quo quidem tempore (scio enim quam timida sit ambitio, quantaque et quam solicita cupiditas consulatus) omnia, non modo quæ reprehendi palam, sed etiam quæ obscure cogitari possunt, timemus: rumorem, fabulam fictam, levem perhorrescimus; ora omnium atque oculos intuemur. Nihil enim est tam molle, tam tenerum, tam aut fragile, aut flexibile, quam voluntas erga nos sensusque civium; qui non modo

unjustly, at an improper time and place, and at the hazard of his own life, that man whom he never ventured to attack when he could do so justly, at a proper time and place, and with the greatest impunity?" — *Cum aliquorum querela.* "With the murmurs of a few." The distinction made by some between *querela* and *querimonia*, that the former means "a groundless complaint," and the latter "a well-grounded one," is not correct. Comp. Ovid, Pont. IV. 3. 32. Quintil. I. 1. —— *Quem tempore.* "Cum omnia in illum odia civium arderent," c. 15. —— *Hunc injuria, iniquo loco.* These correspond in regular order with *quem jure, quem loco, quem, &c.* above, by the figure called παλινδρομία. — *Cum honoris amplissimi.* When Hypsæus and Scipio were his competitors for the consulship, and when it behoved him to avoid even the appearance of the least impropriety of conduct. — *Scio enim, quam timida.* "Cicero, in this passage, gives a strong and lively representation of the anxiety that attends a life of ambition in general; but what he says is peculiarly applicable to those who aspired to any public dignity in Rome. For as the people of Rome had much to give, so they expected to be much courted: and, accordingly, the candidates for public offices were obliged to employ various arts to recommend themselves to their favour, and to be extremely careful not to give offence." *Duncan.* —— *Palam, sed etiam. Palam* and *obscure* are often opposed to each other. So also *palam* and *occulte*, or *clam.* Comp. Pis. c. 2. pro Cluent. c. 20. In Tacitus, Ann. IV. 1. 5. *palam* and *intus* are opposed: "outwardly . . . in the heart."— *Fabulam fictam. Fabula* properly signifies "a narration:" also "a report," either true or false. Comp. Fin. V. 19. Divin. II. 55. — *Levem perhorrescimus.* Cicero, Muren. c. 17. speaking of the uncertainty of elections, says: "Totam opinionem parva nonnunquam commutat aura rumoris." For *levem*, Ernesti, with the common editions, reads *falsam.*

Sensus civium. The sentiments and feelings of our fallen citizens. —

improbitati irascuntur candidatorum, sed etiam in recte factis sæpe fastidiunt. Hunc diem igitur Campi speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus præ se ferens et confitens, ad illa augusta centuriarum auspicia veniebat? quam hoc non credibile in hoc! quam idem in Clodio non dubitandum! qui se, interfecto Milone, regnaturum putaret! Quid? quod caput audaciæ est, Judices; quis ignorat, maximam illecebram esse peccandi, impunitatis spem? In utro igitur hæc fuit? in Milone? qui etiam nunc reus est facti, aut præclari, aut certe necessarii? An in Clodio? qui ita judicia pœnamque contemserat, ut eum nihil delectaret, quod aut per naturam fas esset, aut per leges liceret. Sed

Candidatorum. Those who offered themselves for the public offices in the state were called *candidati*, from the *toga candida*, "the white robe," which they wore, and which was rendered more white and shining than usual by the art of the fuller. Hence the expression *cretata ambitio* in Persius, V. 177. — *Sed etiam in recte factis.* "But are often morose and peevish, even with respect to honorable and upright conduct." Comp. Livy, II. 41. — *Campi.* The comitia for creating magistrates were usually held in the Campus Martius; but for making laws, and for holding trials, sometimes in the forum, and sometimes in the capitol. — *Præ se ferens.* "Showing and exulting in," &c. — *Augusta centuriarum auspicia.* The *comitia centuriata* are called *august* because they were rendered sacred by augury. On the day of the comitia, he who presided, attended by one of the augurs, pitched a tent without the city, to observe the omens. Hence the Campus Martius is said to be "consularibus auspiciis consecratus," Catil. IV. 1. The *comitia* themselves are called *auspicata* in Livy, XXVI. 2. —— *In hoc.* In Milo, who had a reverential respect for every thing sacred. — *In Clodio.* Who violated the sacred rites of the Bona Dea. —— *Qui se.* So Ernesti and Weiske, with several MSS. The usual reading was *quin se.*

Caput audaciæ. "The fountain and source," &c. —— *Impunitatis spem.* He endeavours to show that Clodius lay in ambush for Milo, with the hope, if not the confidence, of committing murder with impunity; and that this hope was far greater in Clodius than it could have been in Milo. — *Præclari.* Cicero calls the slaying of Clodius "a glorious action," as delivering the state from so pestilential a disturber of the public peace. —— *Necessarii.* As done in self-defence. —— *Per naturam. Per* is sometimes used with the impersonal *licet*, to signify concession: "by the permission of nature," &c. So *per me vel stertas licet*, "as far as I am concerned, you may even snore,

quid ego argumentor? quid plura disputo? Te, Q. Petilli, appello, optimum et fortissimum civem: te, M. Cato, testor: quos mihi divina quædam sors dedit judices. Vos ex M. Favonio audistis, Clodium sibi dixisse, et audistis vivo Clodio, periturum Milonem triduo. Post diem tertium gesta res est, quam dixerat. Cum ille non dubitaret aperire, quid cogitaret; vos potestis dubitare, quid fecerit?

XVII. Quemadmodum igitur eum dies non fefellit? Dixi equidem modo. Dictatoris Lanuvini stata sacrificia nosse negotii nihil erat. Vidit, necesse esse Miloni, proficisci Lanuvium illo ipso, quo profectus est, die. Itaque antevertit. At quo die? quo, ut ante dixi, fuit insanissima concio ab ipsius mercenario tribuno plebis concitata: quem diem ille, quam concionem, quos clamores, nisi ad cogitatum facinus approperaret, nunquam reliquisset. Ergo illi ne causa quidem itineris, etiam causa

Acad. IV. 29. Comp. Phil. II. 4. Clodius was accused of violating the natural as well as the moral laws. "Clodius audax, qui neque dicendi, neque faciendi ullum, nisi quem vellet, nosset modum; malorum propositorum executor acerrimus, infamis etiam sororis stupro," &c. Vell. Paterc. II. 45. Comp. c. 22. Harusp. Resp. c. 3. 17. 20. Att. I. 12. 13. 14. "What a dreadful picture of Clodius! And indeed if his character and conduct be duly considered, there will be no reason for thinking it drawn beyond the life. He was certainly one of the most pestilent demagogues that ever disgraced the annals of any state; an open contemner of Gods and men; valuing nothing but in proportion as it was desperate, and above the reach of others; in a word, a most profligate libertine, and audacious villain." *Duncan.* — *Ex M. Favonio.* Comp. c. 9. — *Vivo Clodio.* Even in the life-time of Clodius, and, therefore, must have been true. —— *Post diem tertium.* For, and considered more elegant than *tertio die post.* In this phrase the day of the threat is counted as one. Comp. Att. III. 16. IX. 12. Fam. I. 21. Nepos, III. 3. 3. Sallust, Jug. c. 102. For other variations of this construction, see Zumpt, L. Gr. §. 72. 11 b. n. 2.

Chap. XVII. *Dixi equidem modo.* "I have just told you the reason." Comp. c. 10. — *Nosse negotii nihil erat.* "There was no difficulty in learning," &c. — *Itaque antevertit.* "Accordingly, he was beforehand with him"—"he anticipated him." — *Mercenario tribuno.* He means Quintus Pompey, who addressed the people in an inflammatory speech on the very day of the death of Clodius. Comp. c. 10. A person who receives a bribe is called *mercenarius.* — *Ne*

manendi: Miloni manendi nulla facultas, exeundi non causa solum, sed etiam necessitas fuit. Quid? si, ut ille scivit, Milonem fore eo die in via, sic Clodium Milo ne suspicari quidem potuit? Primum quæro, qui scire potuerit? quod vos idem in Clodio quærere non potestis. Ut enim neminem alium, nisi T. Patinam, familiarissimum suum, rogasset, scire potuit, illo ipso die Lanuvii a dictatore Milone prodi flaminem necesse esse. Sed erant permulti alii, ex quibus id facillime scire posset; omnes scilicet Lanuvini. Milo de Clodii reditu unde quæsivit? Quæsierit sane. Videte, quid vobis largiar: servum etiam, ut Arrius, meus amicus, dixit, corruperit. Legite testimonia testium vestrorum. Dixit C. Cassinius, cognomento Schola, Interamnas, familiarissimus, et idem comes P. Clodii, (cujus jampridem testimonio Clodius eadem hora Interamnæ fuerat, et Romæ,) P. Clodium illo die in Albano mansurum fuisse; sed subito ei esse nuntiatum, Cyrum

causa quidem. *Ne quidem* for *nec quidem.* Comp. Catil. III. 10. Offic. I. 24. — *Nulla facultas.* "No power of remaining at Rome." — *Qui scire potuit.* *Qui* for *quomodo:* "How could he have known it?" Comp. Phil. VII. 2. — *Neminem alium.* For *neminem præterea.* Comp. pro Syll. c. 26. — *T. Patinam.* Titus Patinas was a native of Lanuvium, and an intimate acquaintance of Clodius. — *Prodi flaminem.* Comp. c. 10. — *Omnes scilicet Lanuvini.* These words are suspected by Heumann and Weiske: Garaton has enclosed them in brackets.

Quæsierit sane. Epitrope: "But I admit that he had inquired. Pray, observe what concessions I make." —*Servum etiam.* "I also admit that he bribed a servant of Clodius, as my friend Arrius has asserted." Comp. Vatin. c. 12. Horace, Sat. II. 3. 86. and 243. — *Interamnas.* A native of Interamna, a town of Umbria, situated between two branches of the Nar, whence it derives its name. It was the birth-place of Tacitus. It is now called *Terni.* — *Interamnæ fuerat.* On the trial wherein Clodius had been indicted for violating the sacred rites of the Bona Dea, Caius Cassinius was employed to make out a case of *alibi*, and swore that his friend Clodius was at Interamna the very hour when he actually was at Rome.—*In Albano.* "At his villa in the Albanian territory." — *Cyrum architectum.* Cyrus Vettius, whom Cicero mentions also Att. II. 3. Fam. VII. 14. and ad Q. Fr. II. 2. It appears from the Epistle to Atticus, IV. 10. that he was employed by Cicero in the erection of baths

architectum esse mortuum: itaque Romam repente constituisse proficisci. Dixit hoc comes item P. Clodii, C. Clodius.

XVIII. Videte, Judices, quantæ res his testimoniis sint confectæ. Primum certe liberatur Milo, non eo consilio profectus esse, ut insidiaretur in via Clodio; quippe qui ei obvius futurus omnino non erat. Deinde (non enim video, cur non meum quoque agam negotium,) scitis, Judices, fuisse, qui in hac rogatione suadenda dicerent, Milonis manu cædem esse factam, consilio vero majoris alicujus. Me videlicet latronem ac sicarium abjecti homines et perditi describebant. Jacent suis testibus hi, qui

and other buildings. Cicero and Clodius were appointed his heirs. Comp. c. 18.—*C. Clodius.* A brother of Publius, and father of the Appii, the accusers of Milo.

CHAP. XVIII. *Quantæ res.* "What advantage we have gained by this testimony of our adversaries." Some take this as said ironically: "What advantage our opponents have gained by their testimony."—*Primum certe liberatur.* "In the first place Milo is clearly acquitted, so that he did not set out," &c. *i.e.* is acquitted of the charge that he did set out. In the words *liberatur non profectus esse* is a double Grecism. The Greeks add μὴ to certain verbs, especially to such as signify "to deny," "to prohibit," &c. See the examples collected by Schaefer, in his edition of Viger, VII. 12. 11. Sometimes ὥστε, "so that," is added before μὴ, when the latter is no longer redundant. In place of *profectus* the Latin idiom would require *profectum.* When the noun joined with an infinitive in Greek designates the same person or thing as the subject of the preceding finite verb, such noun is put in the nominative. Comp. Matth. Gr. Gr. §. 536. The same construction is not unusual in the Latin poets. Thus in Ovid, Met. XIII. 141. "Retulit Ajax Esse Jovis pronepos": and in Horace, Od. III. 27. 67. "Uxor invicti Jovis esse nescis." It is rare in prose. Comp. Tacitus, Hist. IV. 55. — *Quippe qui ei obvius. Quippe qui* is the same as *utpote qui*, "as being a person who": "Since he had no expectation whatever of meeting him." *Quippe* by itself signifies "certainly," "no doubt," "undoubtedly," &c.; we may, therefore, translate: "Who in fact had no expectation whatever," &c. Comp. Rosc. Amer. c. 18. Tursellin. CCXXII. 1, seqq. — *Cur non meum.* "Why I should not attend to my own concern also"—why I should not refute those who say I was the adviser of the murder.—*In hac rogatione.* "In advising and supporting this bill for the prosecution." — *Me videlicet.* "Evidently these low and debased wretches represented me," &c.—*Jacent.* "They are overthrown," they are confuted.

Clodium negant eo die Romam, nisi de Cyro audisset, fuisse rediturum. Respiravi: liberatus sum: non vereor, ne, quod ne suspicari quidem potuerim, videar id cogitasse. Nunc persequar cetera; nam occurrit illud: Igitur ne Clodius quidem de insidiis cogitavit, quoniam fuit in Albano mansurus. Siquidem exiturus ad cædem e villa non fuisset. Video enim illum, qui dicitur de Cyri morte nuntiasse, non id nuntiasse, sed Milonem appropinquare. Nam quid de Cyro nuntiaret, quem Clodius Roma proficiscens reliquerat morientem? Una fui: testamentum simul obsignavi cum Clodio: testamentum autem palam fecerat, et illum hæredem et me scripserat. Quem pridie hora tertia animam efflantem reliquisset, eum mortuum postridie hora decima denique ei nuntiabatur?

Non vereor ne. "I have not the least fear, that I should seem to have devised that, which I could not even have suspected." *Vereor ne* means "I fear that will" happen, which I do not wish; *vereor ut*, "I fear that will not" happen, which I desire. "Id paves, ne ducas tu illam, tu autem ut ducas," Terence, Andr. II. 2. 12. Comp. c. 1. 29. Fam. II. 7. Agr. II. 22. Horace, Sat. II. 1. 61. — *Nunc persequar cetera.* "I shall now proceed to the other objections." — *Nam occurrit illud.* "For the following objection presents itself: Since Clodius was to remain all night in his Albanian villa, say the accusers, therefore he did not even think," &c. — *Siquidem exiturus.* Cicero's reply to the objection: "He would have remained there, I admit, if indeed he had not intended to go forth," &c. We are indebted to Schelle for the elucidation of this passage. In the common editions, a comma is placed after *mansurus.*

Obsignavi cum Clodio. Seven witnesses were required to be present at the signing and sealing of a will. The heirs signed and sealed it, and were sometimes among the number of the witnesses. — *Palam fecerat.* "Had published." This being the case, Clodius had nothing to be apprehensive of with respect to the inheritance. — *Quem pridie.* "Was a message then sent to him so late as the tenth hour of the following day, that Cyrus had died, whom he had left expiring at the third hour of the previous day?" Cicero shows that the message concerning the death of Cyrus, if any such message had been sent to Clodius, was a mere signal for waylaying Milo. — *Hora tertia.* Comp. c. 10. — *Animam efflantem.* "Breathing his last." This phrase occurs again, Tusc. I. 9. also in Nepos, Paus. c. 5. Comp. Tusc. II. 9. Sueton. Aug. c. 99. and Sil. Ital. XVII. 561.

XIX. Age, sit ita factum: quæ causa, cur Romam properaret? cur in noctem se conjiceret? Quid afferebat festinationis, quod hæres erat? Primum erat nihil, cur properato opus esset: deinde, si quid esset, quid tandem erat, quod ea nocte consequi posset; amitteret autem, si postridie mane Romam venisset? Atque, ut illi nocturnus ad urbem adventus vitandus potius, quam expetendus fuit: sic Miloni, cum insidiator esset, si illum ad urbem noctu accessurum sciebat, subsidendum atque expectandum fuit. Noctu, insidioso et pleno latronum in loco occidisset. Nemo ei neganti non credidisset, quem esse omnes salvum, etiam confitentem, volunt. Sustinuisset hoc crimen primum ipse ille latronum occultator et receptator locus, dum neque muta solitudo indicasset, neque cæca nox osten-

CHAP. XIX. *Age.* The same as *age sane*, a particle of conceding: "Well then, admitting it to be so," &c. *i. e.* that a message was sent him concerning the death of Cyrus. Comp. Att. IX. 11. Terence, Phorm. IV. 3. 57. — *Cur in noctem.* "Why did he force himself to travel by night." So "conjicere aliquem in nuptias," Terence, Andr. III. 4. 23. III. 5. 14. — *Quid afferebat.* "What haste did his being named heir bring with it?" Ernesti and Weiske read, with the common editions, *quid afferebat causam festinationis?* — *Cur properato opus. Opus* and *usus* are elegantly construed with the perfect participle in the ablative. Thus in Livy, I. 58. "Ita facto et maturato opus esse." Comp. Sallust, Catil. c. 1.— *Ut illi nocturnus.* "As a journey by night to the city was rather to be avoided, than desired by Clodius; so Milo, since he was a way-layer, should have lain in ambush and waited for his enemy, if he knew," &c. —— *Vitandus potius.* Because, through his violence, he had raised up so many enemies against himself. — *Subsidendum.* Supply *in insidiis*, from Livy, I. 14. Observe, this word comes from *subsido*, not from *subsideo*, as some will have it.

Noctu insidioso. "He should have killed him by night in a place infamous for ambush, and infested with robbers." "He might have killed him." *Duncan.* For *insidioso* the common editions have *invidioso*. The place alluded to here was, as we are informed by Asconius, the tomb of one Basilius, on the Appian way, and not far from the city. It was rendered infamous by the many murders which had been committed there. — *Nemo ei neganti.* Join *nemo* and *non*: "Every one would have believed him, if he denied it." — *Sustinuisset.* "Would have borne the blame." Comp. Verr. V. 39. — *Ipse ille receptator.* "This very den "— "this harbour for robbers." Comp.

disset Milonem: deinde ibi multi ab illo violati, spoliati, bonis expulsi, multi etiam hæc timentes in suspicionem caderent; tota denique rea citaretur Etruria. Atque die illo certe Aricia rediens devertit Clodius ad se in Albanum. Quod ut sciret Milo, illum Ariciæ fuisse, suspicari tamen debuit, eum, etiam si Romam illo die reverti vellet, ad villam suam, quæ viam tangeret, diversurum. Cur neque ante occurrit, ne ille in villa resideret; nec eo in loco subsedit, quo ille noctu venturus esset? Video adhuc constare omnia, Judices: Miloni etiam utile fuisse Clodium vivere; illi ad ea, quæ concupierat, optatissimum interitum Milonis: odium fuisse illius in hunc acerbissimum, in illum hujus nullum: consuetudinem illius perpetuam in vi inferenda; hujus tantum in repellenda: mortem ab illo denuntiatam Miloni, et prædictam palam; nihil unquam auditum ex Milone: profectionis hujus diem

Florus, III. 10. 9. — *Tota denique rea.* As much as to say, All Etruria had suffered from his violence and rapine. "Servos agrestes et barbaros, quibus sylvas publicas depopulatus erat, Etruriamque vexarat," &c. c. 9. — *Aricia.* A very ancient town of Latium, situate on the Appian way, near Lanuvium, and on the road from that place to Rome. Here was a famous grove, the residence of the nymph Egeria, the invisible protectress of Numa. Comp. Horace, Sat. I. 5. 1. — *Devertit ad se.* "Called at his own house in Albanum," a small town of Latium, on the Appian way, and somewhat nearer to Rome than Aricia. *Ad me* signifies "to my house"; *ad te*, "to your house," &c. Thus, Att. XVI. 10. "Septimo Id. veni ad me in Sinuessanum." Comp. Terence, Eun. III. 5. 64. So *apud me* signifies "at my house"; *apud te*, "at your house," &c. Comp. Att. I. 6. Fam. IX. 9. Catil. I. 4. — *Quod ut sciret.* "Now, supposing Milo knew that Clodius had been at Aricia, yet he ought to have suspected, that, even if he intended to return to Rome the same day, he would call at his villa, which joined the road." — *Cur neque ante.* "Why did not Milo meet him before he reached Albanum? or, why did he not lie in wait for him?" *Subsido* makes both *subsidi* and *subsedi*. See above.

Video adhuc. "Hitherto I find all the circumstances consistent." In c. 17. he had said, with respect to the case of the accusers, "Jacent suis testimoniis." Here he refreshes the memory of his hearers with a short recapitulation of his principal arguments. —— *Optatissimum interitum.* That during his prætorship he might harass the republic. Comp. c. 12 and 13. — *Mortem ab illo.* According

illi notum; reditum illius huic ignotum fuisse: hujus iter necessarium; illius etiam potius alienum: hunc præ se tulisse, se illo die Roma exiturum; illum eo die se dissimulasse rediturum: hunc nullius rei mutasse consilium; illum causam mutandi consilii finxisse: huic, si insidiaretur, noctem prope urbem expectandam; illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

XX. Videamus nunc id, quod caput est: locus ad insidias ille ipse, ubi congressi sunt, utri tandem fuerit aptior. Id vero, Judices, etiam dubitandum et diutius cogitandum est? Ante fundum Clodii, quo in fundo, propter insanas illas substructiones, facile mille hominum versabatur

to the testimony of Favonius. Comp. c. 9 and 16. — *Hunc præ se tulisse.* "That Milo declared publicly," &c. — *Illum causam.* Clodius pretended that he was compelled to return to Rome, in consequence of the death of Cyrus.

CHAP. XX. *Id, quod caput est.* "That which is the main point in our inquiry." This is a phrase of frequent occurrence in Cicero. Comp. Orat. I. 19. Div. III. 7. Att. I. 17.— *Utri tandem. Tandem* is an expletive here, as in Terence, Heaut. V. 2. 1, Andr. III. 2. 12. Phorm. II. 1. 1. — *Ante fundum Clodii.* "Did Milo expect that he should be superior, on the high and elevated grounds of his adversary, in front of the farm of Clodius, a farm on which, in consequence of his wild building-schemes, a thousand at least of able-bodied men were employed, and for that reason," &c. — *Quo in fundo.* The antecedent is often thus repeated with the relative in Cicero. Comp. pro Manil. c. 12. Catil. I. 3. pro Cluent. c. 57. pro Rosc. Amer. c. 26. — *Insanas substructiones.* These are mentioned again, c. 31. *Insanæ substructiones* may be translated "immense buildings." Thus *insani montes* in Livy, XXX. 39. and μαινόμενα ὄρη in Ptolemy. Hence the adverb *insanum*, "very," "excessively." Comp. Plaut. Bacch. IV. 5. 1. Most. III. 3. 5. The magnificence of the Romans was conspicuous in their country villas and gardens. Sallust, Catil. c. 12. "Operæ pretium est, cum domos atque villas cognoveris in urbium modum exædificatas," &c. Horace, Od. III. 1. 33.

"Contracta pisces æquora sentiunt
Jactis in altum molibus: huc frequens
Cæmenta dimittit redemtor
Cum famulis, dominusque terræ
Fastidiosus," &c.

Comp. Sueton. Calig. c. 12. — *Facile.* "Certainly," "at least." Comp. Fam. VI. 10. de Divin. II. 41. — *Mille.* Used substantively here. — *Versabatur.* Scheller renders this, in the present passage, "dwelt." Comp.

valentium, edito adversarii atque excelso loco superiorem se fore putabat Milo, et ob eam rem eum locum ad pugnam potissimum delegerat? An in eo loco est potius expectatus ab eo, qui ipsius loci spe facere impetum cogitarat? Res loquitur, Judices, ipsa; quæ semper valet plurimum. Si hæc non gesta audiretis, sed picta videretis: tamen appareret, uter esset insidiator, uter nihil cogitaret mali, cum alter veheretur in rheda pænulatus, una sederet uxor. Quid horum non impeditissimum? vestitus, an vehiculum, an comes? quid minus promtum ad pugnam, cum pænula irretitus, rheda impeditus, uxore pæne constrictus esset? Videte nunc illum, primum egredientem e villa, subito: cur? vesperi: quid necesse est? tarde: qui convenit, id præsertim temporis? Devertit in villam Pompeii. Pompeium ut videret? Sciebat in Alsiensi esse. Villam ut perspiceret? Millies in ea fuerat. Quid ergo erat? Mora et tergiversatio? Dum hic veniret, locum relinquere noluit.

c. 12. — *Ab eo.* "By Clodius. — *Res loquitur.* "The thing speaks for itself." —— *Si hæc non gesta.* "If you did not hear these transactions verbally explained, but saw them merely represented in a picture, yet," &c. Weiske puts a full stop at *mali.* — *In rheda pænulatus.* Comp. c. 10. — *Egredientem e villa subito.* Cicero here refutes the account given by the friends of Clodius, respecting his departure from the Albanian villa on the evening of the murder: "*He left his villa in haste.* Why? *Because it was evening.* But what necessity for travelling in the evening? *Because it was late when he reached the villa, and then first heard of the death of Cyrus.* But why did he happen to be from home so late, especially in the month of January? *He made a call at the villa of Pompey,*" *&c.* Comp. c. 19. —— *Id præsertim temporis.* Zurck explains this by "vesperi." — *Sciebat in Alsiensi.* "He knew that Pompey was at his farm near Alsium," a maritime town of Etruria. — *Tergiversatio.* "Shifting and sauntering about." Facciolati renders it "subterfuge." "*A delay;* and then there would be a pleonasm, such as is frequent. 'Locum nullum excusatio haberet, nec moram tergiversatio,' Auct. B. Afric. c. 8." *Scheller.* — *Dum hic veniret. Dum* for *donec:* "Until Milo came up, Clodius would not leave his vantage-ground." Comp. pro Flacc. c. 17. Att. XI. 21. It is often used in this sense with verbs signifying "to wait," or "delay."

XXI. Age nunc, iter expediti latronis cum Milonis impedimentis comparate. Semper ille antea cum uxore: tum sine ea. Nunquam non in rheda: tum in equo. Comites Græculi, quocumque ibat, etiam cum in castra Etrusca properabat; tum nugarum in comitatu nihil. Milo, qui nunquam, tum casu pueros symphoniacos uxoris ducebat, et ancillarum greges. Ille, qui semper secum scorta, semper exoletos, semper lupas ducebat; tum neminem, nisi ut virum a viro lectum esse diceres. Cur igitur victus est? quia non semper viator a latrone, nonnunquam etiam latro a viatore occiditur: quia quanquam paratus in imparatos Clodius, tamen mulier inciderat in

Chap. XXI. *Age nunc.* Adverbially, the same as *agedum:* "Well then." Comp. pro Rosc. Amer. c. 36. It is used with a plural also in the oration pro Manil. c. 14. Syll. c. 26. Livy, XXXVIII. 47. —— *Expediti.* "Free," "disengaged," "prepared." *Impeditus* signifies "entangled by the feet," as an animal is, which is caught in a snare; also "encumbered," so laden with baggage as not to be able to fight, Livy, III. 3. Cæsar, B. G. III. 19. The opposite is *expeditus.* Comp. c. 10. —— *Comites Græculi.* "Nullis Græcis comitibus ut solebat," c. 10. "Augur, schœnobates, medicus, magus: omnia novit Græculus esuriens:—in cœlum, jusseris, ibit," Juvenal, III. 77. who uses the word also in contempt. — *In castra Etrusca.* It has been already mentioned, that Clodius had left Rome with the intention of joining the rebel camp of Manlius in Etruria; but that he changed his mind by the way, and returned to the city. —— *Nugarum.* "Triflers." Comp. Qu. Fr. I. 2. 2. Att. VI. 3. —— *Pueros symphoniacos.* "Singing boys," for the amusement of his wife, Fulvia. — *Ut virum a viro.* When a party of Roman soldiers were destined for any dangerous expedition, they had permission to select each a comrade to a certain number. And this custom was not confined to the Romans; for we read in Livy, IX. 39. that the Etrurians having made a levy of troops, enforced by the sanctions of the Devoting Laws, each man choosing another, came to an engagement at the Cape of Vadimon, with more numerous forces, and at the same time with greater spirit, than they had ever shown before.

Mulier. A term of reproach: "a coward," "a poltroon." Comp. Plaut. Bacch. IV. 8. 4. Zurck inserts here what he calls "vulgatum illud," in explanation of the word *mulier:* "Rex erat Elisabeth, sed erat *regina* Jacobus." As to the former clause of the line we wholly assent, though with respect to the "vulgatum" part of the question, we must confess our ignorance.—Zurck was a Dutchman: James, though a fool and a bigot, *thrashed* the Dutch. As to the "regina" part of the question, we leave it to our readers to

viros. Nec vero sic erat unquam non paratus Milo contra illum, ut non satis fere esset paratus. Semper ille, et quantum interesset P. Clodii se perire, et quanto illi odio esset, et quantum ille auderet, cogitabat. Quamobrem vitam suam, quam maximis præmiis propositam et pæne addictam sciebat. Nunquam in periculum sine præsidio, et sine custodia projiciebat. Adde casus, adde incertos exitus pugnarum, Martemque communem, qui sæpe spoliantem jam et exultantem evertit, et perculit ab abjecto. Adde inscitiam pransi, poti, oscitantis ducis; qui, cum a tergo hostem interclusum reliquisset, nihil de ejus extremis comitibus cogitavit; in quos incensos ira, vitamque domini desperantes, cum incidisset, hæsit in iis pœnis, quas ab eo servi fideles pro domini vita expetiverunt.

draw the conclusion. — *Nec vero sic erat.* "And in truth Milo was never so unprepared against Clodius, as not to be almost sufficiently well prepared to meet him." —— *Quantum interesset P. Clodii.* "How greatly Clodius was interested in his destruction, and what an object of hatred he was himself to Clodius," &c. "Milone interfecto, Clodius hoc assequebatur, non modo ut prætor esset non eo consule, quo sceleris nihil facere posset," &c. c. 12. — *Propositam et pæne addictam.* "Set up at a certain price and assigned to a bidder." So Zurck: "Licitantibus, velut in venditionibus solet, promissam et concessam." Comp. Cæcin. c. 6. Verr. I. 57. Sueton. Jul. c. 5. Others render it "exposed to sale, and devoted to destruction." Comp. Offic. III. 10. — *Martem communem.* "And the fortune of war, which often overthrows and lays low, by means of the fallen adversary (*i.e.* by the hands of the prostrate adversary), the antagonist, when in the very act of despoiling and exulting in his victory." "Omnis Mars belli communis." Div. VI. 4. "Communem vere Martem belli utramque aciem pari cæde prostravisse," Livy, VIII. 11. —— *Ab abjecto. A*, or *ab*, joined to active or neuter verbs, sometimes signifies the cause or agency by which any thing is effected. Comp. Divin. II. 45. Schwarz on Tursel. I. 1. 4. would translate it "from the prostrate adversary." "Pro abjecto, sive defendens abjectum." *Weiske.* — *Inscitiam.* "Stupidity." Comp. Div. IX. 3. Terence, Eun. V. 8. 41. —— *Oscitantis.* "Dull," "inactive." Properly, "yawning." "Quosdam ex vino vacillantes, quosdam hesterna potatione oscitantes," Cic. ap. Quint. VIII. 3. — *Qui cum a tergo hostem.* "Who, when he had left Milo surrounded in the rear, never thought of his (Milo's) remote attendants." —— *Hæsit in iis pœnis.* "He fell in with—met that punishment," &c.

Cur igitur eos manumisit? Metuebat scilicet, ne indicarent; ne dolorem perferre non possent; ne tormentis cogerentur, occisum esse a servis Milonis in Appia via P. Clodium confiteri. Quid opus est tortore? quid quæris? Occideritne? Occidit. Jure, an injuria? Nihil ad torturem. Facti enim in eculeo quæstio est, juris in judicio.

XXII. Quod igitur in causa quærendum est, id agamus hic: quod tormentis invenire vis, id fatemur. Manu vero cur miserit, si id potius quæris, quam cur parum amplis affecerit præmiis; nescis inimici factum reprehendere. Dixit enim hic idem, qui omnia semper constanter et

Cur igitur eos manumisit. Masters sometimes manumitted their slaves, that they might be exempt from the torture; for no Roman citizen could be scourged, or put to the rack. Comp. Verr. V. 63. Livy, VIII. 15. The ceremony of manumission was thus performed: The slave was brought before the prætor, by his master; who, laying his hand upon his servant's head, said to the prætor: "Hunc hominem liberum esse volo:" and with that let him go out of his hand, which they termed *e manu emittere*. Then the prætor, laying upon the slave's head a rod, called *vindicta*, said: "Dico eum liberum esse more Quiritium:" Hence Persius: "Vindicta postquam meus a prætore recessi." After this, the lictor, taking the rod out of the prætor's hand, struck the slave several blows on the head, face, and back; and nothing now remained but "pileo donari," "to be presented with a cap" in token of liberty, and to have his name entered in the common roll of freemen, with the reason of his obtaining that favour. —— *Metuebat scilicet. Ne* with verbs signifying "to fear," and those of similar import, is used in an affirmative sense; but *ut* with the same verbs is taken in a negative sense: "Milo dreaded, forsooth, the slaves might give information against him." Comp. c. 1. pro Mur. c. 41. Att. XIV. 18. Agr. II. 22. — *Facti enim.* "For the question of fact is answered on the rack, the question of equity is decided in a judicial investigation." When slaves were examined by torture, they were stretched on a machine, called *eculeus*, or *equuleus*, having their legs and arms tied to it with ropes; and being raised upright, as if suspended on a cross, their members were distended by means of screws, sometimes till they were dislocated: hence "eculeo longior factus," Senec. Epist. 8. To increase the pain, plates of red-hot iron, pincers, burning pitch, &c. were applied to them.

Chap. XXII. *Quid igitur in causa.* "Let us, therefore, discuss here what ought to be the subject of inquiry in the present case; for we confess," &c. —— *Nescis inimici.* You know not how to censure the conduct of your adversary, if you blame his generosity, while you are silent with respect to his meanness. —— *Qui omnia semper constanter.* "The

fortiter, M. Cato, dixitque in turbulenta concione, quæ tamen hujus auctoritate placata est, non libertate solum, sed etiam omnibus præmiis dignissimos fuisse, qui domini caput defendissent. Quod enim præmium satis magnum est tam benevolis, tam bonis, tam fidelibus servis, propter quos vivit? Etsi id quidem non tanti est, quam quod propter eosdem non sanguine et vulneribus suis, crudelissimi inimici mentem oculosque satiavit. Quos nisi

character here given by our orator of this illustrious Roman, is not drawn beyond the life, but copied from nature, and founded upon truth and justice. It will be extremely difficult, if not absolutely impossible, to find, in the whole annals of profane history, a character more eminently distinguished for steadiness and consistency of conduct than that of Cato, who passed the whole of his life in the noblest occupation of which human nature is capable. All the parts of this great man's conduct, to use the words of the ingenious Mr. Melmoth, accord with each other, and are the regular result of one steady and invariable principle.—"Patriæ impendere vitam; Nec sibi, sed toti genitum se credere mundo." This was the glorious object of his ambition, from his first appearance in the world to the last moment of his life; and he undauntedly pursued it through all the various insults and opposition that Cæsar, Crassus, and Pompey, could contrive to perplex his way. It has been often said, indeed, that he did not discover great abilities in the general tenor of his public conduct; that he did not make sufficient allowances for the temper of the Romans, among whom luxury had long prevailed, and corruption was openly practised; that he was incapable of employing those seeming compliances that are reconcileable to the greatest steadiness; and that he treated a crazy constitution unskilfully. How much truth there is in all this, we shall not take upon us to determine: thus much, however, is unquestionable, that if his head was not one of the best, his heart certainly was; that he possessed the patriot virtues in their highest perfection; and that, as Lord Bolingbroke justly observes, if he could not save, he prolonged the life of liberty." *Duncan.* — *Hujus auctoritate placata est.* Zurck thinks Virgil had this in his mind, when he wrote the following lines, Æn. I. 148:

"Ac veluti magno in populo, cum sæpe coorta est
Seditio, sævitque animis ignobile vulgus;
Jamque faces et saxa volant; furor arma ministrat:
Tum, pietate gravem ac meritis si forte virum quem
Conspexere, silent, arrectisque auribus astant:
Ille regit dictis animos, et pectora mulcet."

Propter quos. For *per quos*: "Through whose means." Comp. c. 30. Brut. c. 26. Rosc. Amer. c. 4. — *Etsi id.* "Though the saving of his life is not of so much importance as, that, through their means also, his most inveterate enemies are deprived of the satisfaction of glutting their

manumisisset, tormentis etiam dedendi fuerunt, conservatores domini, ultores sceleris, defensores necis. Hic vero nihil habet in his malis, quod minus moleste ferat, quam, etiam si quid ipsi accidat, esse tamen illis meritum præmium persolutum. Sed quæstiones urgent Milonem, quæ sunt habitæ nunc in atrio Libertatis. Quibusnam de servis? Rogas? De P. Clodii. Quis eos postulavit? Appius. Quis produxit? Appius. Unde? Ab Appio. Dii boni! quid potest agi severius? De servis nulla lege quæstio est in dominos, nisi de incestu, ut fuit in Clodium. Proxime Deos accessit Clodius, propius quam tum, cum

eyes with his blood." —— *Dedendi fuerunt.* "Were to have been delivered up," *i.e.* it was intended that they should have been delivered up. The sons of Clodius' brother had made a demand to this effect; though they could not legally enforce it. — *Quod minus moleste.* Litotes: "which gives him greater satisfaction." —— *Si quid ipsi accidat.* There were certain things which the ancients presumed not to express, but in terms obscure and gentle, that they might not pronounce what were called *verba male-ominata.* They did not dare to say to any person, "If you should be killed;" "if you should die:" they concealed as much as possible the melancholy and odious idea of an approaching. and even of a distant death. The Greeks said εἴ τι πάθοι. Comp. Demosth. Phil. I. 5.

Sed quæstiones. "But the inquisition by torture at present exercised on the slaves of Clodius, bears hard upon Milo." Private persons sometimes examined their slaves by torture. Comp. pro Cluent. c. 63. and 66. — *In atrio Libertatis.* This was a large porch before the temple of Liberty. See Pitiscus on Sueton. Aug. c. 29. Liberty was worshipped as a Goddess by the ancient Romans. T. Sempronius Gracchus caused a temple to be erected to her on Mount Aventine, out of money raised by fines. This temple was enlarged and adorned by Pollio with many elegant statues and brazen columns; and a gallery, in which were deposited the public acts of the state. Comp. pro Dom. c. 35. Livy, XXIV. 16. Sueton. Aug. c. 31. —— *In dominos.* Dissimulation; for they were actually examined, as Cicero well knew, to elicit evidence against Milo. These words also serve to introduce, "nisi de incestu, ut fuit in Clodium." — *Proxime Deos accessit.* So "proxime Italiam," Phil. X. 11. The dative after *proxime* is more usual. "Id habendum est antiquissimum et Deo proximum," de Leg. II. 16. Comp. Virg. Ecl. VII. 22. Quintil. X. 2. Drakenb. on Livy, II. 41. and Sil. Ital. I. 13. The inquiry into the death of Clodius is got up with as much bustle and ceremony, as if the sacred rites of the Gods had been violated. In this "he approaches nearer to the Gods," &c. *Proxime Deos,* according to Cellarius

ad ipsos penetrarat: cujus de morte, tanquam de cærimoniis violatis, quæritur. Sed tamen majores nostri in dominum de servo quæri noluerunt, non quia non posset

and Zurck, alludes to the crimes of Clodius and the marriage of Jupiter and Juno: "Clodius of all men has approached nearest in resemblance to the Gods—nearer by his incest with the wife of Lucullus, than when he intruded himself on, and polluted, the mysteries of the Bona Dea." "Of this Goddess, and the sacrifices offered to her, Cicero speaks thus, in his oration concerning the Answers of the Auruspices: "What sacrifice is there so ancient as that which has been handed down to us from our first kings, and is coeval with Rome herself? What sacrifice is there so private and secret as that which is concealed not only from the eyes of the curious and inquisitive, but from the sight of all men, and whither neither the most profligate wickedness nor impudence ever yet presumed to enter? This sacrifice no man except Clodius was ever so impious as to violate; no man but Clodius ever thought, without the utmost horror, of assisting at it. This sacrifice which is performed by the vestal virgins, which is performed for the prosperity of the Roman people, which is performed in the house of the chief magistrate, celebrated with unknown ceremonies, and in honour of a Goddess, whose very name to know is sacrilege; this sacrifice Clodius profaned." Plutarch thinks the Goddess to be the same with the Gynæcea of the Greeks, that is, with the Goddess of the women; and adds, that the Phrygians, who claimed a particular title to her, said she was mother to Midas; that the Romans pretended she was one of the Dryads, and married to Faunus; and that the Greeks affirmed she was mother to Bacchus. It is said that Cæsar's wife, Pompeia, entertained a strong inclination for Clodius; and that, being narrowly watched at home by the virtuous Aurelia, Cæsar's mother, and by his sister Julia, who entertained some suspicions of her, she could find no other opportunity of meeting him, but at a solemn feast, which was to be celebrated in her husband's house, in honour of the Bona Dea. In order to gain access to his mistress, Clodius dressed himself in a woman's habit, and by the benefit of his smooth face, and the introduction of one of the maids, who was in the secret, hoped to pass without discovery; but by some mistake between him and his guide, he lost his way when he came within the house, and fell in unluckily among the other female servants; who detecting him by his voice, alarmed the whole company by their shrieks, to the great amazement of the matrons; who presently threw a veil over the sacred mysteries, while Clodius found means to escape by the favour of some of the damsels." *Duncan.*

Non quia non posset. "Here *non quia non* is correct; for which *non quin* might have stood, *quin* being i. q. *quia non*. But Grævius, as I see from a note of Ernesti, preferred *non quin non*, from a MS., which Ernesti approved, and adopted into the text. *Non quin non posset, &c.* would mean, "not as if the truth could thereby," &c. for *quin* is for *ut non*, "that not," or for *quia non*, "because not";

verum inveniri, sed quia videbatur indignum esse, et dominis morte ipsa tristius. In reum de servis accusatoris cum quæritur, verum inveniri potest? Age vero, quæ erat, aut qualis quæstio? Heus tu, Rufio, verbi causa, cave sis mentiare. Clodius insidias fecit Miloni? Fecit. Certa crux. Nullas fecit. Sperata libertas. Quid hac quæstione certius? Subito arrepti in quæstionem, tamen separantur a ceteris, et in arcas conjiciuntur, ne quis cum iis colloqui possit. Hi centum dies penes accusatorem cum fuissent, ab eo ipso accusatore producti sunt. Quid hac quæstione dici potest integrius? quid incorruptius?

XXIII. Quod si nondum satis cernitis, cum res ipsa tot tam claris argumentis signisque luceat, pura mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum, Romam revertisse:

and so *quin non* would be for *ut*, or *quia*, "that," or "because." But Cicero would say: "not as if the truth could not," &c. and so *non quin non* is here without sense, and we should read *non quia non*, or *non quin*." Scheller. — *In reum de servis.* "When the accuser's slaves are examined against the defendant, is it possible to elicit the truth?" —— *Quæstio.* "The examination by torture."

Heus tu, Rufio. Here Cicero "for example sake," (*verbi causa,*) gives a specimen of the manner in which the slaves of Clodius were examined: "*Attend, Rufio! Now beware of telling a falsehood. Did Clodius lie in ambush for Milo?* He did. *Your impalement is certain.* He did not lie in ambush. *You may expect your liberty. — Clodius insidias fecit Miloni?* Ulpian shows that the proper question would be, *Quis insidias fecit? — Subito arrepti.* "Slaves are usually arrested suddenly for examination, at least are kept apart from others, and thrown into cells, that no person may have communication with them. But with respect to the slaves of Clodius; they, after they have been suffered to remain one hundred days under the same roof with the accuser, are produced by the accuser himself." Comp. Rosc. Amer. c. 3. Ovid, Met. I. 512. — *Quid hac quæstione.* Irony.

Chap. XXIII. *Quod si nondum cernitis.* Cicero now passes from arguments to the signs of innocence, which were evident in Milo after the death of Clodius. — *Nulla conscientia.* "By no stings of guilty conscience." *Conscientia* is often taken in a bad sense, as here. Comp. Tacit. Ann. XII. 31. XIV. 63. Hist. IV. 41. — *Romam revertisse.* Milo, when it was supposed that he had gone into voluntary banishment, returned to Rome the very night on

recordamini, per Deos immortales! quæ fuerit celeritas reditus ejus: qui ingressus in forum, ardente curia: quæ magnitudo animi; qui vultus; quæ oratio. Neque vero se populo solum, sed etiam senatui commisit: neque senatui modo, sed etiam publicis præsidiis et armis: neque his tantum, verum etiam ejus potestati, cui senatus totam rempublicam, omnem Italiæ pubem, cuncta populi Romani arma commiserat. Cui nunquam se hic profecto tradidisset, nisi causæ suæ confideret; præsertim omnia audienti, magna metuenti, multa suspicanti, nonnulla credenti. Magna vis est conscientiæ, Judices, et magna in utramque partem; ut neque timeant, qui nihil commiserint; et

which the senate-house was on fire, and on the next day commenced canvassing for the consulship. — *Qui vultus.* "Ut imago est animi vultus, sic indices oculi." Cic. in Brut. "Heu! quam difficile est crimen non prodere vultu." Ovid. — *Quæ oratio.* We learn from Asconius, that, while the senate-house was burning, Milo addressed the people in a violent speech against Clodius.

Neque vero se populo. Gradatio, or Climax. A similar one occurs in Demosthenes περὶ Στεφ. c. 55: Οὐκ εἶπον μὲν ταῦτα, οὐκ ἔγραψα δὲ, οὐδ' ἔγραψα μὲν, οὐκ ἐπρέσβευσα δὲ, οὐδ' ἐπρέσβευσα μὲν, οὐκ ἔπεισα δὲ Θηβαίους. With this Aquila Romanus, p. 181. ed. Ruhnk., compares the present passage of Cicero; but gives the preference to the following from Licinius Calvus: "Non ergo pecuniarum magis repetundarum, quam majestatis; neque majestatis magis, quam Plautiæ legis; neque Plautiæ legis magis, quam ambitus; neque ambitus magis, quam omnium legum omnia judicia perierunt." Comp. Quintil. IX. 3. 54. —— *Commisit.* "Surrendered himself," confiding wholly in his innocence. — *Ejus potestati, cui.* "To the power of Pompey," in whom, by a decree of the senate, the entire authority of the state was vested, with an unlimited commission to raise an army throughout all Italy, and to see the republic should receive no detriment, either from Milo, or the Clodian faction. — *Pubem.* A poetical word for *juventutem.* It is used also by Tacitus, Ann. VI. 1. But this author abounds in poetical words and phrases. — *Nisi causæ suæ.* "If he had not been confident in the justice of his cause." *Præsertim omnia audienti.* Pompey, it appears, gave heed to all kinds of reports. Comp. c. 24.

Magna vis est. "Great is the influence." "Magnam vim esse in fortuna in utramque partem," &c. Offic. I. 33. Comp. II. 6. — *Et magna. Et* for *et quidem.* Comp. Catil. II. 8. — *In utramque partem.* Both in the innocent and in the guilty. — *Neque timeant. Neque* stands for *et non.* —— *Qui nihil commiserint.* Who have not perpetrated any evil deed. *Committere* is often used in this manner: whence the participle

pœnam semper ante oculos versari putent, qui peccarint. Neque vero sine ratione certa, causa Milonis semper a senatu probata est. Videbant enim sapientissimi homines facti rationem, præsentiam animi, defensionis constantiam. An vero obliti estis, Judices, recenti illo nuntio necis Clodianæ, non modo inimicorum Milonis sermones et opiniones, sed nonnullorum etiam imperitorum? Negabant eum Romam esse rediturum. Sive enim illud animo irato ac percito fecisset, ut incensus odio trucidaret inimicum; arbitrabantur, eum tanti mortem P. Clodii putasse, ut æquo animo patria careret, cum sanguine inimici explesset odium suum; sive etiam illius morte patriam liberare voluisset, non dubitaturum fortem virum, quin, cum suo

commissum for *crimen*. Comp. Syll. c. 26. Leg. II. 9. Horace, Od. III. 27. 38. — *Pœnam semper ante oculos.* Juvenal, XIII. 192:

—— "Cur tamen hos tu
Evasisse putes, quos diri conscia facti
Mens habet attonitos, et surdo verbere cædit,
Occultum quatiente animo tortore flagellum?
Pœna autem vehemens ac multo sævior illis,
Quas et Cæditius gravis invenit, et Rhadamanthus,
Nocte dieque suum gestare in pectore testem."

— *Neque vero sine ratione.* "And indeed not without good reason, the cause of Milo has always been approved by the senate." —— *Facti rationem.* "The reasonable justification of the fact"—that Milo was justified in slaying an assassin. *Facti ratio* is a rhetorical phrase. "Orestes cum confiteatur se occidisse matrem, nisi attulerit *facti rationem*, perverterit defensionem: ergo affert eam. Illa enim, inquit, patrem meum occiderat," ad Herenn. I. 16. — *Defensionis constantiam.* "The consistency and steadiness of his defence." —— *Recenti illo nuntio.* "While the news of the death of Clodius was recent." — *Sermones et opiniones.* "Assertions and rumours." *Opinio* signifies not only one's own private and silent *opinion*, but also *the declaration of others' uttered sentiments, rumour, fame.* Comp. Sueton. Ner. c. 53. Justin, VIII. 3. Hence *male, bene opinari*, "to speak well or ill of a person." Comp. in Pison. c. 20. Sueton. Aug. c. 51. — *Sed nonnullorum.* "But also of certain weak individuals," who were not the enemies of Milo.

Percito. "Stimulated," "excited." "Magno furore percitus," Senec. Herc. Fur. 108. —— *Arbitrabantur.* "These weak individuals thought, that the satisfaction of having slain such a wretch as Clodius would have compensated Milo for the loss of his country." — *Explesset odium suum.* Virgil, Æn. II. 586. "animum explesse juvabit Ultricis flammæ." VII. 766. "patrias explent sanguine pœnas." — *Non dubitaturum, quin.*

periculo salutem reipublicæ attulisset, cederet æquo animo legibus, secum auferret gloriam sempiternam, nobis hæc fruenda relinqueret, quæ ipse servasset. Multi etiam Catilinam, atque illa portenta loquebantur: erumpet, occupabit aliquem locum, bellum patriæ faciet. Miseros interdum cives, optime de republica meritos! in quibus homines non modo res præclarissimas obliviscuntur, sed etiam nefarias suspicantur. Ergo illa falsa fuerunt: quæ certe vera extitissent, si Milo admisisset aliquid, quod non posset honeste vereque defendere.

XXIV. Quid? quæ postea sunt in eum congesta, quæ quemvis etiam mediocrium delictorum conscientia perculissent, ut sustinuit! Dii immortales! sustinuit? immo vero ut contemsit, ac pro nihilo putavit! quæ neque maximo animo nocens, neque innocens, nisi fortissimus vir,

Dubitare, in the sense of *non audere*, is usually followed by an infinitive. It is sometimes, however, construed with *quin*. Comp. pro Leg. Manil. c. 16. Curtius, III. 13. 2. — *Cederet æquo animo*. "Would cheerfully submit to the laws," and go into exile. He seems to allude to the Porcian and Sempronian laws, which denounced banishment against such as killed a Roman citizen. — *Multi etiam Catilinam*. "Many even talked of Catiline and his horrible crimes." He means, that many of Milo's enemies used to speak of him as a second Catiline. Weiske explains *portenta* by "socios Catilinæ conscleratissimos." — *Erumpet*. "Abiit, excessit, evasit, erupit," Catil. II. 1. Comp. Sallust. c. 43.

Miseros interdum cives. Epiphonema: "Wretched sometimes are those citizens, who have deserved best at the hands of their country!" The accusative is sometimes used in exclamations without any word to govern it. So elsewhere in Cicero, "hominem gravem et civem egregium!" — *Etiam nefarias*. "Suspect even a conspiracy against the state." Plautus, Pœn. III. 6 18.

"Si quid bene facias, levior pluma est gratia:
Si quid peccatum est, plumbeas iras gerunt."

— *Quæ certe vera extitissent*. "Which certainly would have proved well founded, if Milo had committed any thing." *Admittere in se* is used in the same sense, "to commit," c. 37. de Legg. II. 7. where *se* is an accusative, and not an ablative, as some have supposed. Comp. Horace, Epist. I. 16. 53.

Chap. XXIV. *Quid? quæ postea*. "What shall I say? The calumnies which were afterwards heaped upon him, such calumnies as would have terrified any man under a consciousness even of trivial offences, good

negligere potuisset. Scutorum, gladiorum, frænorum, sparorum, pilorumque etiam multitudo deprehendi posse judicabatur. Nullum in urbe vicum, nullum angiportum esse dicebant, in quo Miloni non esset conducta domus: arma in villam Ocriculanam devecta Tiberi: domus in clivo Capitolino scutis referta: plena omnia malleolorum ad urbis incendia comparatorum. Hæc non delata solum, sed pæne credita; nec ante repudiata sunt, quam quæsita. Laudabam equidem incredibilem diligentiam Cn. Pompeii; sed dicam, ut sentio, Judices: nimis multa audire coguntur, neque aliter facere possunt ii, quibus tota com-

Gods! how he bore! Bore them! nay rather, how he despised them! *Ut* is used in admiration in the sense of *quomodo*. Comp. Fin. V. 22 — — *Frænorum.* "Bridles," necessary for the equipment of cavalry. But this seems to occupy the place of some other word. Zurck and Weiske conjectured *framearum;* and the latter introduced it into the text, having found it in one MS.: but the *framea*, which is said to have been a kind of spear used by the Germans, does not appear to have been known to the Romans in the time of Cicero. It is mentioned by Juvenal, XIII. 79. and by Tacitus, Germ. c. 6. Augustin, Ep. 120. c. 16. says it is not a spear, but a sword. See Gellius, X. 25. — *Sparorum. Sparum*, or *sparus*, was a kind of rustic spear. Virgil, Æn. XI. 682. "agrestesque manus armat sparus." Cicero, Div. V. 12. 16. uses *spiculum* for it. Comp. Fin. II. 30. and Val. Max. II. 2. 5. Sallust, Catil. c. 56. joins *sparos* and *lanceas*. — *Pilorum. Pilum* was "a javelin," or "dart," used by the Roman infantry, which they hurled at the enemy, and then immediately fought with their swords. Veget. de R. Mil. II. 15. says its shaft was five feet and a half long, and that the iron part was eleven inches long, and triangular. — *Angiportum. Angiportus*, or *angiportum*, signifies "a narrow lane," one perhaps in which there is not a thoroughfare. Comp. Terence, IV. 2. 39. Ulpian, XVI. 59. — *Arma in villam.* "Arms, say they, were conveyed," &c. Milo had a country-seat near Ocriculum, a town in Umbria, now *Otricoli*. Comp. Plin. Epist. VI. 25. Tacitus, Hist. III. 78. — *Malleolorum. Malleolus* signifies a kind of "firebrand," discharged upon the walls and houses of a besieged town, in order to set it on fire. According to Nonius, XVIII. 27. *malleoli* were small bundles of broom, covered over with pitch. Comp. Vitruv. X. 22. Veget. de R. Mil. IV. 18. and Ammian, XXIII. 3. — *Nec ante repudiata.* "And these stories were not rejected, until they had been investigated" by Pompey, and found groundless. Comp. c. 23. — *Laudabam.* "The beautiful manner in which our orator here speaks of the conduct and pretended fears of Pompey, is a clear proof of his talent for

missa est respublica. Quinetiam audiendus fuerit popa Licinius, nescio quis de Circo Maximo, servos Milonis apud se ebrios factos, sibi confessos esse de interficiendo Cn. Pompeio conjurasse; deinde postea se gladio percussum esse ab uno de illis, ne indicaret. Pompeio in hortos nuntiavit. Arcessor in primis: de amicorum sententia rem defert ad senatum. Non poteram in illius mei patriæque custodis tanta suspicione, non metu exanimari: sed mirabar tamen, credi popæ; confessionem servorum audiri; vulnus in latere, quod acu punctum videretur, pro ictu gladiatoris probari. Verum tamen, ut intelligo, cavebat magis Pompeius, quam timebat, non ea solum, quæ timenda erant, sed omnino omnia, ne aliquid vos timeretis. Oppugnata domus C. Cæsaris, clarissimi et fortissimi viri,

fine and masterly raillery." *Duncan.*

Quinetiam audiendus. "Nay, even some low fellow from the Circus Maximus, a sacrificing butcher, named Licinius, must be heard, asserting that," &c. Comp. c. 9. — *Popa.* "A butcher," or "priest," who slew the sacrifices, dressed them, and kept a cook's shop. — *Nescio quis.* This is frequently used in contempt. Comp. c. 6. de Orat. I. 46. — *De Circo Maximo.* The Circus Maximus was situated in the eleventh ward, and was built by Tarquinius Priscus. Here were various kinds of booths, and, except at the times of the games, this was the resort of diviners, jugglers, sharpers,&c. Comp. de Leg. II. 15. Mur. c. 34. and Horace, Sat. I. 6. 11. Suetonius informs us, Aug. c. 74. that there was a set of abandoned wretches who lived near the Circus Maximus. This Licinius may probably have been one of this class. — *Apud se.* "At his shop." Hence it would appear, that Licinius supplied his customers not only with cooked meat, but also with wine. Plautus, Pœn. IV. 2. 13. "Bibitur, estur, quasi in popina, haud secus." Comp. Cicero, Phil. XIII. 11. —— *Confessos esse.* Weiske reads *confessos esse, se de interficiendo, &c.* — *De illis.* For *ex illis.* Comp. Fam. XV. 2. Nepos, Cat. c. 3. — *In hortos nuntiavit.* Licinius conveyed his information to Pompey into his gardens, where Pompey continually remained in the higher grounds, protected by a large military guard. "Romam erat nuntiatum," Div. XI. 12. This occurs frequently in Livy. — *De amicorum sententia.* "Agreeably to the opinion of his friends—by the advice of his friends he lays the matter before the senate." Comp. Att. VI. 3. Rosc. Amer. c. 30. — *Credi popæ.* Impersonally: "That this butcher should be believed" by Pompey. The case after an impersonal in Latin becomes the nominative in English. — *Ne aliquid.* For *ne quid.* Comp. pro Planc. c. 22. Fam. X. 14. — *Oppugnata*

per multas noctis horas nuntiabatur. Nemo audierat tam celebri loco, nemo senserat: tamen audiebatur. Non poteram Cn. Pompeium, præstantissima virtute civem, timidum suspicari: diligentiam, tota republica suscepta, nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator inventus est, qui Milonem cum telo esse diceret. Nudavit se in sanctissimo templo, quoniam vita talis et civis et viri fidem non faciebat, ut, eo tacente, res ipsa loqueretur. Omnia falsa, atque insidiose ficta, comperta sunt.

XXV. Quod si tamen metuitur etiam nunc Milo, non hoc jam Clodianum crimen timemus, sed tuas, Cn. Pompei, (te enim jam appello, et ea voce, ut me audire possis,) tuas, tuas, inquam, suspiciones perhorrescimus. Si Milonem times, si hunc de tua vita nefarie aut nunc cogitare, aut molitum aliquando aliquid putas; si Italiæ delectus, ut nonnulli conquisitores tui dictitant, si hæc arma, si Capi-

domus. Domus C. Cæsaris nuntiabatur esse oppugnata. Several passive verbs are construed in the same manner; as, *dicor, perhibeor, &c.* Thus in Martial, Spect. III. 12. "Verus patriæ diceris esse pater." — *Tam celebri loco.* "In so frequented a situation." "Cæsar, from the time he was made pontifex maximus, lived in a large house in the Via Sacra, which was not far from the forum." *Duncan.* But Cæsar was at this time in Gaul. — *Tamen audiebatur.* "And yet this story was attended to." — *Senator.* Publius Cornificius. — *Cum telo esse.* "Was present with a weapon." This phrase is adopted from a law of the *XII. Tables*, by which it was forbidden to carry any weapon in the city. Comp. c. 4. Sallust, Catil. c. 27. — *Quorum vita talis.* "That, since the life of such a man, and such a citizen, could not give him credit, the fact itself, though Milo remained silent, might speak for him." *Ut* would have been better placed before *quoniam*. All the old edd. have *non faciebat, nisi, eo tacente, &c.*

CHAP. XXV. *Etiam nunc.* "Even now," when all those calumnies and suspicions have been proved to be false and without foundation. — *Non hoc jam.* "We no longer dread the charge that Clodius was killed by Milo." — *Et ea voce.* "And with such a voice," &c. For *audire*, Lambinus and Weiske read *exaudire*, which signifies "to hear clearly from a distance." Pompey was stationed with his guards near the treasury. —— *Suspiciones.* Pompey entertained, or pretended to entertain, suspicions, that Milo was plotting against his life. —— *Conquisitōres.* "Recruiting officers." Comp. Livy,

tolinæ cohortes, si excubiæ, si vigiliæ, si delecta juventus, quæ tuum corpus domumque custodit, contra Milonis impetum armata est, atque illa omnia in hunc unum instituta, parata, intenta sunt; magna in hoc certe vis, et incredibilis animus, et non unius viri vires atque opes indicantur, si quidem in hunc unum et præstantissimus dux electus, et tota respublica armata est. Sed quis non intelligit, omnes tibi reipublicæ partes ægras et labantes, ut eas his armis sanares et confirmares, esse commissas? Quod si Miloni locus datus esset, probasset profecto tibi ipsi, neminem unquam hominem homini cariorem fuisse, quam te sibi; nullum se unquam periculum pro tua dignitate fugisse; cum illa ipsa teterrima peste sæpissime pro tua gloria contendisse; tribunatum suum ad salutem meam, quæ tibi carissima fuisset, consiliis tuis gubernatum; se a te postea defensum in periculo capitis, adjutum in petitione prætura; duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. Quæ si non

XXI. 11. XXIII. 32. and Hirtius B. Alex. c. 2. The business of these persons was to go round to the different cities and towns, and demand a certain number of recruits from each. Comp. Att. VII. 20.—*Magna in hoc certe.* "Great indeed must be the strength manifested in this man, and incredible his courage, and the powers and resources of one single individual, since against him alone, &c. — *Præstantissimus dux.* Pompey, who had already obtained three triumphs over foreign nations. — *Sed quis non intelligit.* "But who is it that does not know that all the infirm and tottering parts of the state have been committed to your care, that you might restore and strengthen them with these forces"; and, consequently, that these forces are not directed against Milo?

Quod si Miloni locus. "But if an opportunity had been granted to Milo," &c. Milo intended to have waited on Pompey, and to have explained, when he shut himself up in his gardens through fear of danger; but Pompey sent a messenger to him, desiring him not to come. — *Teterrima peste.* Clodius. Some read *teterrima parte*, meaning the faction of Clodius. — *Consiliis tuis.* It was through Pompey's instrumentality that Cicero was recalled from banishment. — *A te defensum.* Defended by you when in danger of being degraded. "Periculum capitis, sc. civilis; seu capitis diminutionem intellige." *Zurck.* When Milo, after his tribuneship, was indicted by Clodius *de vi*, he was defended by Pompey. — *Quæ si non probaret.* "Which facts if Milo had

probaret; si tibi ita penitus inhæsisset ista suspicio, nullo ut evelli modo posset; si denique Italia a delectu, urbs ab armis, sine Milonis clade nunquam esset conquietura; næ iste haud dubitans cessisset patria, is, qui ita natus est, et ita consuevit; te, Magne, tamen antestaretur, quod nunc etiam facit.

XXVI. Vide, quam sit varia vitæ commutabilisque ratio, quam vaga volubilisque fortuna, quantæ infidelitates in amicis, quam ad tempus aptæ simulationes, quantæ in periculis fugæ proximorum, quantæ timiditates! Erit, erit illud profecto tempus, et illucescet aliquando ille dies, cum tu, salutaribus, ut spero, rebus tuis, sed fortasse motu aliquo communium temporum immutatis, (qui quam crebro accidat, experti debemus scire,) et amicissimi benevolentiam, et gravissimi hominis fidem, et unius post homines natos fortissimi viri magnitudinem animi desideres.

failed in proving; if that suspicion had been so deeply rooted," &c. — *Suspicio.* That Milo had meditated your death. — *Ita natus est.* "Such is his natural disposition, and such are his habits." — *Te tamen.* "Yet with respect to his innocence he would have appealed to you, as he does at present." *Antestari* is a law term, and signifies "to take a person as witness," by touching his ear. Comp. Horace, Sat. I. 9. 76. Plaut. Pers. IV. 9. 10. The word is found in one of the laws of the XII. Tables. SI IN JUS VOCATUS, NEC IT, ANTISTATOR IGITUR IM CAPITO. SI CALVITUR PEDEMVE STRUIT MANUM ENDOJACITO.

CHAP. XXVI. *Vide quam sit varia.* "Observe how uncertain and changeable is the course of human life," &c. Some think the commencement of this chapter had been added by Cicero after the civil war, when this oration was published.— *Volubilis.* "Changeable," "uncertain," "fickle." Comp. Plin. Epist. IV. 24. — *Illucescet aliquando.* "Will dawn, will arrive some time or other." Comp. Tusc. I. 47. Divin. I. 24. Orat. I. 58. — *Salutaribus.* "Your fortunes still, I hope, secure, though, perhaps, changed by some commotion of the commonwealth." *Salutaris*, I believe, does not occur elsewhere in this sense; at least, it is not noticed by Scheller or Facciolati. Lambinus conjectured *salvis.* —— *Communium temporum.* "Status totius reipublicæ." *Weiske.* — *Quam crebro.* The disturbances caused by L. Sylla, L. Cornelius Cinna, and Catiline, were fresh in the recollection of all. — *Et amicissimi benevolentiam.* "And you may feel the loss of the affection, and of the fidelity of the most respectable," &c. — *Post homines natos.* "Since the creation of man." "Post hominum

Quanquam quis hoc credat, Cn. Pompeium, juris publici, moris majorum, rei denique publicæ peritissimum, cum senatus ei commiserit, ut videret, NE QUID RESPUBLICA DETRIMENTI CAPERET; (quo uno versiculo satis armati semper consules fuerunt, etiam nullis armis datis:) hunc exercitu, hunc delectu dato, judicium expectaturum fuisse in ejus consiliis vindicandis, qui vel judicia ipsa tolleret? Satis judicatum est a Pompeio, satis, falso ista conferri in Milonem; qui legem tulit, qua, ut ego sentio, Milonem absolvi a vobis oporteret; ut omnes confitentur, liceret. Quod vero in illo loco, atque in illis publicorum præsidiorum copiis circumfusus sedet; satis declarat, se non terrorem inferre vobis (quid enim illo minus dignum, quam cogere, ut vos eum condemnetis, in quem animad-

memoriam" is also used by Cicero in the same sense. Comp. Catil. II. 13. in Pison. c. 27. Perfect participles are elegantly put in place of substantives after the preposition *post*. Thus "post sacra constituta," for "post constitutionem sacrorum," Harusp. Resp. c. 7.—*Quis hoc credat*. "Who could believe that Pompey, so well versed in the laws and customs of his country, and invested with such absolute power and authority, would have waited the issue of a trial in order to punish the designs of the man (Milo), who would abolish all judicial inquiry." If Pompey entertained any suspicions against Milo, armed as he is with such authority, he could have crushed him without an inquiry.— *Moris majorum*. Alluding to the extraordinary powers conferred by the formula, "Ut videret, ne quid respublica detrimenti caperet." Comp. Catil. I. 2.— *Quo uno versiculo*. "With which single line," or "sentence," &c. Sallust, Cat. c. 29. "Ea potestas per senatum, more Romano, magistratui maxima permittitur; exercitum parare, bellum gerere, coërcere omnibus modis socios atque cives; domi militiæque imperium atque judicium summum habere: aliter, sine populi jussu, nulli earum rerum consuli jus est."—*Satis armati*. "Sufficiently armed" to inflict instant punishment on wicked and designing men.—*Nullis armis datis*. The senate, it is true, did not usually put the consuls at the head of an army; but this extraordinary commission gave them the power of raising one. *Etiam* is put for *etiamsi*. Comp. Fam. V. 2.—— *Legem tulit*. That an extraordinary inquiry should be made with respect to the death of Clodius.— *Oporteret*. Because Milo acted only in self-defence.— *Liceret*. For since Pompey enacted that an inquiry should be made, the very enactment implied that an acquittal might be pronounced.

In illo loco. Pompey was seated in

vertere ipse, et more majorum, et suo jure, posset?) sed præsidio esse; ut intelligatis, contra hesternam concionem illam licere vobis, quod sentiatis, libere judicare.

XXVII. Nec vero me, Judices, Clodianum crimen movet; nec tam sum demens, tamque vestri sensus ignarus atque expers, ut nesciam quid de morte Clodii sentiatis: de qua si jam nollem ita diluere crimen, ut dilui, tamen impune Miloni palam clamare, atque mentiri gloriose liceret. Occidi, occidi, non Sp. Mælium, qui, annona levanda, jacturisque rei familiaris, quia nimis amplecti plebem putabatur, in suspicionem incidit regni appetendi; non Tib. Gracchum, qui collegæ magistratum per seditionem abrogavit; quorum interfectores implerunt orbem terrarum nominis sui gloria: sed eum, (auderet enim dicere, cum patriam periculo suo liberasset) cujus nefandum

the vestibule of the treasury. — *More majorum.* Vide supra. — *Suo jure.* Pompey being consul, and invested with supreme power, he might have oppressed Milo with impunity. — *Hesterna concione.* Meaning the harangue of Munatius Plancus Bursa, mentioned in c. 2.

CHAP. XXVII. *Nec vero me.* Comp. c. 25. init. — *De qua si jam.* "Which charge, if I were now unwilling to refute it as fully as I have refuted it, yet might Milo publicly and with impunity exclaim, and assert proudly though falsely," &c. — *Diluere crimen.* Comp. Inv. I. 42. Livy, IV. 14. — *Gloriose.* "Boastfully," "vauntingly." Comp. Dom. c. 35. Orat. II. 8. Plaut. Stich. II. 1. 4. — *Occidi, occidi.* Prosopopeia of Milo to the end of the chapter: "Yes, I did slay—I slew not a Sp. Mælius," &c. I achieved a nobler deed than Servilius Ahala, who slew Sp. Mælius —a nobler deed than Scipio Nasica, who slew Tiberius Gracchus. Comp. c. 3. —*Annona levanda.* "By lowering the price of corn." Comp. Livy, IV. 12. *Annonam laxare* is used by Livy, II. 34. in the same sense. We also find *annona laxaverat.* "corn had fallen in price," in Livy, XXVI. 20. *Annona* properly signifies "yearly corn." It is generally used to signify "the price of corn," or "other provisions." — *Jacturis rei familiaris.* "By squandering his property." "Ad jacturas et detrimenta rei familiaris," Hirt. Alex. c. 49. Comp. Off. II. 16. *Jactura* properly signifies "a casting overboard" into the sea, as in the Off. III. 23. Hence *jacturam facere,* "to suffer damage."—*Amplecti plebem.* "To court popular favour." — *Qui collegæ magistratum.* "Who seditiously deposed his colleague from his magistracy." — *Collegæ.* Octavius, a tribune of the people.

Cujus nefandum adulterium. "Whose abominable adultery our matrons de-

adulterium in pulvinaribus sanctissimis nobilissimæ fœminæ comprehenderunt; eum, cujus supplicio senatus solennes religiones expiandas sæpe censuit; eum, quem cum sorore germana nefarium stuprum fecisse L. Lucullus, juratus, se, quæstionibus habitis, dixit comperisse; eum, qui civem, quem senatus, quem populus Romanus, quem omnes gentes urbis ac vitæ civium conservatorem judicarant, servorum armis exterminavit; eum, qui regna dedit, ademit; orbem terrarum, quibuscum voluit, partitus est; eum, qui, plurimis cædibus in foro factis, singulari

tected in the most sacred shrines of the Bona Dea." He means the amour with Pompeia, the wife of C. Julius Cæsar. Whether the adultery was ever, in fact, detected, does not appear. Cæsar, however, divorced her; because the wife of Cæsar should not only be free from guilt, but also free from the suspicion of guilt. — *In pulvinaribus.* The couches of the Bona Dea. Comp. Harusp. 3. 5. — *Nobilissimæ fœminæ.* The Vestal virgins and illustrious matrons, who assembled at the house of Cæsar, to celebrate the mysteries of the Goddess Cybele, or Bona Dea. — *Cujus supplicio.* "By whose punishment the senate often decreed that the violation of our solemn religious rites should be expiated." Comp. Harusp. c. 12. seq. Sext. c. 26. — *Cum sorore germana.* "Minima trium sororum L. Lucullo nupta." *Abram.* But in the oration pro Cœl. c. 15. Clodius is called "minimus trium fratrum," and is said "cubitasse cum sorore majore." — *Quæstionibus habitis.* The female slaves of Clodia were put to the torture by her husband L. Lucullus, and confessed the fact. — *Civem, quem senatus.* Cicero describes himself. — *Qui regna dedit.* Clodius sold to Brogitarus, a Gallogrecian, a man of infamous character, Pessinus, which was the inheritance of king Deiotarus, and permitted him to assume the title of King. Comp. Harusp. Resp. c. 13. Sext. c. 26. —— *Ademit.* "Clodius enacted a law against Ptolemy, king of Cyprus, to deprive him of his kingdom, reduce it to a Roman province, and confiscate his whole estate. This prince was brother to the king of Egypt, and reigned by the same right of hereditary succession, was in full peace and amity with Rome, accused of no crimes, nor suspected of any designs against the republic. But Clodius had an old grudge to him, for refusing to ransom him when he was taken by pirates, and sending him only the contemptible sum of two talents. To sanctify this iniquitous law, as it were, and give it the better face and colour of justice, Cato was charged with the execution of it; which gave Clodius a double pleasure, by imposing such a task upon the gravest man in Rome." *Duncan.* — *Orbem terrarum.* By this expression is meant the "Roman Empire." Cicero alludes to the province of Syria being given to Gabinius, and the province of Macedonia to Piso. — *In foro. i.e.* in the temple

virtute et gloria civem domum vi et armis compulit; eum, cui nihil unquam nefas fuit nec in facinore, nec in libidine; eum, qui ædem Nympharum incendit, ut memoriam publicam recensionis, tabulis publicis impressam, extingueret; eum denique, cui jam nulla lex erat, nullum civile jus, nulli possessionum termini; qui non calumnia litium, non injustis vindiciis ac sacramentis, alienos fundos, sed castris, exercitu, signis inferendis petebat; qui non solum Etruscos, (eos enim penitus contemserat,) sed hunc Q. Varium, virum fortissimum, atque optimum civem, judicem nostrum, pellere possessionibus, armis castrisque conatus est; qui cum architectis et decempedis villas multorum hortosque peragrabat; qui Janiculo et Alpibus spem possessionum terminabat suarum; qui, cum ab equite Romano, splendidissimo et forti

of Castor, which was situate near the forum, in which Clodius stationed one of his slaves, from whose hands a dagger had been wrested and brought to Gabinius. The slave, when questioned, said he had been instructed to assassinate Pompey. This caused Pompey to confine himself to his house. — *Civem.* Pompey. — *Ædem Nympharum.* "The Nymphs presiding over fountains had a temple erected to them at Rome, that they might prove propitious in preventing burnings. This temple Clodius set on fire." *Duncan.* In this temple, it appears, the public records were preserved. — *Recensionis.* "Of the review of his conduct." Comp. Sueton. Cæs. c. 41. At the same time that the censors performed the census, they also made a review of the senate and equestrian order, supplied the vacant places in both, and inflicted various marks of disgrace on those who deserved it. The reason for this kind of punishment was recorded in the public registers. — *Qui non calumnia.* "Who aimed at the estates of other men, not merely by quirks of law, nor by illegal claims and lawsuits, but," &c. Comp. Verr. I. 45. *Sacramentum* means "a formal deposit" of a certain sum with the pontifex, in case of civil suits, which the losing party was to forfeit. But here it signifies "a civil process," "a suit." "Sacramento contendere," Orat. I. 10. Comp. Cæcin. c. 33. Dom. c. 29. — *Non solum Etruscos.* Comp. c. 9. — *Q. Varium.* Some read *Cn. Pompeium.* — *Decempedis. Decempeda* was "a measuring rod of ten feet in length." Comp. Horace, Od. II. 15. 14. Hence a land-measurer is called *decempedator*, Cic. Phil. XIII. 18. —— *Janiculo et Alpibus.* From Rome to the boundaries of Cis-Alpine Gaul.

viro, M. Paconio, non impetrasset, ut insulam in lacu Prelio venderet, repente lintribus in eam insulam materiam, calcem, cæmenta atque arma convexit; dominoque trans ripam inspectante, non dubitavit ædificium extruere in alieno: qui huic T. Furfanio, cui viro! Dii immortales! (quid enim ego de muliercula Scantia? quid de adolescente Aponio dicam? quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessisset;) sed ausus est Furfanio dicere, si sibi pecuniam, quantam poposcerat, non dedisset, mortuum se in domum ejus illaturum, qua invidia huic esset tali viro conflagrandum; qui Appium fratrem, hominem mihi conjunctum fidissima gratia, absentem de possessione fundi dejecit; qui parietem sic per vestibulum sororis instituit ducere, sic agere

M. Paconio. Another M. Paconius is mentioned in Tacitus, Ann. III. 66. and in Sueton. Tib. c. 61. — *Ut insulam in lacu.* "To sell him an island in the Prelian lake." "*Insulam* pro ædibus a ceteris disjunctis accipe. In Tiberi multi lacus, et in iis ædificia fuere." *Zurck.* — *Arma.* "Implements." Lambinus reads *arenam.* — *Extruere in alieno.* The law says: "Qui invito domino fundum ingreditur injuriam facit domino: qui sciens in alieno ædificat, domino soli ædificat." — *Huic T. Furfanio.* Sc. *dicere ausus est.* See below. Titus Furfanius Posthumus, a pro-consul to whom Cicero recommends A. Cæcina, Fam. VI. 9. — *Quid enim ego.* Paralipsis: "For why should I mention the poor widow Scantia, or the youth Aponius," &c. "That he should threaten persons so unprotected is not to be wondered at; but," &c. —— *Possessione cessisset.* Comp. c. 25.

Mortuum se in domum. "Clodius threatened to convey a dead body into the house of Furfanius, with a view of bringing him under a suspicion of having committed a murder in his own house. Or, perhaps, his design was, to make him thereby lose his right to his house; because any house, into which a dead body had been conveyed, became sacred, and the proprietor was obliged to resign all his title to it." *Duncan.* — *Qua invidia.* "That this honourable man should be ruined by the odium of it." Comp. Verr. I. 15. Livy, XXIV. 26. — *Appium fratrem.* Appius Claudius Pulcher, who was Cicero's predecessor in the government of Cilicia, and to whom Cicero addresses the third book of his Epistolæ ad Familiares. — *Vestibulum.* This was not properly a part of the house, but an empty space before the gate, through which there was an access to it. Comp. Plaut. Most. III. 2. 130.

fundamenta, ut sororem non modo vestibulo privaret, sed omni aditu et limine.

XXVIII. Quanquam hæc quidem jam tolerabilia videbantur; etsi æqualiter in rempublicam, in privatos, in longinquos, in propinquos, in alienos, in suos irruebat; sed nescio quomodo jam usu obduruerat, et percalluerat civitatis incredibilis patientia. Quæ vero aderant jam, et impendebant, quonam modo ea aut depellere potuissetis, aut ferre? Imperium, ille si nactus esset? Omitto socios, exteras nationes, reges, tetrarchas; vota enim faceretis, ut in eos se potius immitteret, quam in vestras possessiones, vestra tecta, vestras pecunias. Pecunias, dico? a liberis, a liberis, medius fidius, et a conjugibus vestris nunquam ille effrænatas suas libidines cohibuisset. Fingi hæc putatis, quæ patent? quæ nota sunt omnibus? quæ tenentur? servorum exercitus illum in urbe con-

Chap. XXVIII. *Quanquam.* The former chapter is a prosopopeia of Milo. Cicero now proceeds in his own character: "And yet all these enormities seemed now to be borne with, though perpetrated as much against the state, as against private individuals," &c.— *Æqualiter.* Some incorrectly read *æquabiliter.*— *In propinquos.* "Against neighbours," as is obvious from the word that precedes. *Suos* means "relations."—*Sed nescio quomodo.* Ἀλλ' οὐκ οἶδ' ὅπως: "But somehow the endurance of the state has now, through custom, become altogether hardened and callous." — *Quæ vero aderant.* The prætorship, and the violence that would have attended it. — *Imperium.* Sarcastically for the prætorship. — *Tetrarchas. Tetrarcha,* or *tetrarches,* properly signifies "a governor of the fourth part of a country"; in which sense it is used in the New Testament. It also signifies "a petty governor," who had no right to assume the title of King. Comp. Att. II. 9. and Hist. Alex. c. 67. Horace, Sat. I. 3. 12. and Lucan, VII. 227. in like manner join *reges* and *tetrarchæ,* "kings and princes." — *Medius fidius.* For *ita me Dius* (*Deus*) *fidius adjuvet.* It is probable that *Dius fidius* stands for *Deus fidei,* "the Gods of fidelity"; and with this the quantity agrees; for the first syllable in *fidius* is short, as in *fides;* whereas it is long in *filius,* which is the word meant according to Festus, who explains it, as signifying *Jovis filius,* meaning Hercules. With *Deus fidius* corresponds the Greek expression Ζεὺς πίστιος. It is further confirmed by Plautus, Asin. I. 1. 8. "Per Deum Fidium quæris," &c. — *Tenentur.* Sc. *animis.* Provinc. c. 4. "Quæ et sæpe audistis et tenetis animis." Virgil,

scripturum fuisse, per quos totam rempublicam, resque privatas omnium possideret? Quamobrem, si cruentum gladium tenens clamaret T. Annius, Adeste, quæso, atque audite, cives: P. Clodium interfeci; ejus furores, quos nullis jam legibus, nullis judiciis frænare poteramus, hoc ferro, et hac dextra a cervicibus vestris repuli; per me ut unum jus, æquitas, leges, libertas, pudor, pudicitia in civitate manerent: esset vero timendum, quonam modo id ferret civitas? Nunc enim quis est, qui non probet? qui non laudet? qui non unum, post hominum memoriam, T. Annium plurimum reipublicæ profuisse, maxima lætitia populum Romanum, cunctam Italiam, nationes omnes affecisse, et dicat, et sentiat? Nequeo, vetera illa populi Romani quanta fuerint gaudia, judicare. Multas tamen jam summorum imperatorum clarissimas victorias ætas nostra vidit, quarum nulla neque tam diuturnam attulit lætitiam, nec tantam. Mandate hoc memoriæ, Judices. Spero multa vos, liberosque vestros, in republica bona esse visuros: in his singulis ita semper existimabitis, vivo P. Clodio, nihil eorum vos visuros fuisse. In spem maximam, et, quemadmodum confido, verissimam, adducti sumus, hunc ipsum annum, hoc ipso summo viro consule,

Ecl. IX. 45. "numeros memini si verba tenerem." Zurck says "*Tenentur* constricta, ne quid possint." — *Servorum exercitus.* Comp. c. 9. *Adeste.* Prosopopeia. — *Per me ut unum.* "So that to me only it is owing, that justice, equity," &c. Clodius was a violator of all these. — *Pudor, pudicitia.* Zurck properly refers the former to the *mind*, the latter to the *body*. — *Probet, laudet.* "*Probare* in animo, *laudare* in ore sedem maxime habet." *Zurck.* — *Post hominum memoriam.* Comp. c. 26. — *Maxima lætitia affecisse.* "Has filled the Roman people, &c. with the greatest joy—has occasioned the greatest joy to," &c. So "afficere honoribus," c. 29. Comp. Div. VII. 17. So also "aliquem molestia afficere," Orat. II. 49. — *Summorum imperatorum.* He alludes particularly to Sylla and Marius. — *Attulit lætitiam.* "Imparted joy." Comp. c. 32. So "afferre delectationem," Div. VII. 1.—*Summo viro.* Pompey, who had been previously consul, A.U.C. 683. and 698. published during the present year several new laws, amongst which was one against

compressa hominum licentia, cupiditatibus fractis, legibus et judiciis constitutis, salutarem civitati fore. Num quis igitur est tam demens, qui hoc, P. Clodio vivo, contingere potuisse arbitretur? Quid? ea, quæ tenetis, privata atque vestra, dominante homine furioso, quod jus perpetuæ possessionis habere potuissent?

XXIX. Non timeo, Judices, ne, odio inimicitiarum mearum inflammatus, libentius hæc in illum evomere videar, quam verius. Etenim etsi præcipuum esse debebat, tamen ita communis erat omnium ille hostis, ut in communi odio pæne æqualiter versaretur odium meum. Non potest dici satis, ne cogitari quidem, quantum in

bribery and corruption in elections, with the infliction of new and severe penalties. — *Cupiditatibus fractis.* "Their desires checked, restrained." Comp. c. 38. Att. I. 16.

CHAP. XXIX. *Non timeo, Judices, ne.* "I am not under any apprehension, that exasperated by resentment, for personal injuries, I should seem to utter these charges with more freedom than truth." For the use of *vereor ne, vereor ut, &c.* see notes on c. 18. — *Evomere.* "In me absentem orationem ore impurissimo evomunt," Phil. V. 7. Comp. de Amic. c. 23. Terence, Adelph. III. 2. 14. — *Libentius quam verius.* A Grecism. Ἀξυνετώτερος ἢ ἀδικώτερος, Thucyd. III. 42. ταχύτερα ἢ σοφώτερα, Herod. III. 65. So "acutiorem quam ornatiorem," Cic. Opt. Gen. Or. c. 2. "prudentius quam felicius," Curt. IV. 1. 33. "compositius quam festinatius," Tacit. Ann. XV. 3. 1. "acrius quam consideratius," Hist. I. 83. 4. Comp. Eurip. Med. 485. Homer, Od. X. 164. — *Etsi præcipuum.* "Although my hatred of Clodius ought to be peculiar, yet so common an enemy was he to all, that my aversion was nearly on a par with the universal detestation," *i.e.* was scarcely greater than that of all mankind. "Though it might be expected this should be the principal motive." *Duncan.* Cicero, however, had more cause to complain of the villanies of Clodius, than any other of his fellow-citizens. —— *Æqualiter versaretur.* The verb *versari* is often used in the same sense as *esse.* — *Non potest dici.* It may justly seem strange, that so abandoned a wretch, and so pestilent a citizen, should have been suffered in Rome: and it would be natural to suspect, that we had been deceived in our accounts of him, by taking them from his enemies, did we not find them too firmly supported by facts to be called in question. A little attention, however, to the particular character of Clodius, as well as of the times in which he lived, will enable us to solve the difficulty. First, the splendour of his family, which had borne a principal share in all the triumphs of the republic, from the very foundation of its liberty, was of great force to protect him in all his extravagancies. Secondly, his

illo sceleris, quantum exitii fuerit. Quin sic attendite, Judices: nempe hæc est quæstio de interitu P. Clodii. Fingite animis; liberæ enim sunt cogitationes nostræ, et, quæ volunt, sic intuentur, ut ea cernimus, quæ videmus. Fingite igitur cogitatione imaginem hujus conditionis meæ: si possim efficere, ut Milonem absolvatis, sed ita, si P. Clodius revixerit. Quid vultu extimuistis? quonam modo ille vos vivus afficeret, qui mortuus inani

personal qualities were peculiarly adapted to endear him to all the meaner sort: his bold and ready wit; his talent for haranguings; his profuse expense, and his being the first of his family who had pursued popular measures, against the maxims of his ancestors, who were all stern assertors of the aristocratical power. Thirdly, the constrast of opposite factions, who had each their ends in supporting him, contributed principally to his safety: Cæsar, Pompey, and Crassus willingly permitted and privately encouraged his violence, to make their own power not only the less odious, but even necessary for controlling the fury of such an incendiary: and though it was often turned against themselves, yet they chose to bear it, and dissemble their ability of repelling it, rather than destroy the man who was playing their game for them, and, by throwing the republic into confusion, threw it of course into their hands. The senate, on the other side, whose chief apprehensions were from the triumvirate, thought that the rashness of Clodius might be of some use, to perplex their measures, and stir up the people against them on proper occasions; or it humoured their spleen at least, to see him often insulting Pompey to his face. Lastly, all who envied Cicero, and desired to lessen his authority, privately cherished an enemy who employed all his force to drive him from the administration of affairs. This accidental concurrence of circumstances, peculiar to the man and the times, was what preserved Clodius, whose insolence could never have been endured in any quiet and regular state of the city." *Duncan.*

Quin sic attendite. "But pray consider this; for the present inquiry," &c. — *Et quæ volunt.* "And contemplate whatsoever they please, just as we discern what we see." *Intueri* is oftener used with respect to the eyes, than to the imagination. "Nec minus nostra sunt quæ animo complectimur, quam quæ oculis intuemur," Fam. V. 17. *Cerno*, from κρίνω, properly signifies "to separate," "sift," the good from the bad, the true from the false. Hence "to discern," "distinguish," "perceive with the understanding" as well as "with the eyes." Tusc. I. 20. "Nos enim ne nunc quidem oculis cernimus ea quæ videmus." Ennius, ap. Cic. Amic. c. 17. "Amicus certus in re incerta cernitur." — *Fingite igitur cogitatione.* "Fancy then in your imagination the picture of this my proposition." — *Quid vultu extimuistis?* "What horror have you betrayed by your looks?" "Mire judicum imaginationem ad tam tetrum spectaculum horrore aliquo perfundit." *Zurck.* —— *Quonam modo*

cogitatione percussit? Quid? si ipse Cn. Pompeius, qui ea virtute ac fortuna est, ut ea potuerit semper, quæ nemo præter illum: si is, inquam, potuisset, ut quæstionem de morte P. Clodii ferre, sic ipsum ab inferis excitare, utrum putatis potius facturum fuisse? Etiamsi propter amicitiam vellet illum ab inferis revocare, propter rempublicam non fecisset. Ejus igitur mortis sedetis ultores, cujus vitam, si putetis per vos restitui posse, nolitis: et de ejus nece lata quæstio est, qui si eadem lege reviviscere posset, lata lex nunquam esset. Hujus ergo interfector si esset, in confitendo ab iis ne pœnam timeret, quos liberavisset? Græci homines Deorum honores tribuunt iis viris, qui tyrannos necaverunt. Quæ ego vidi Athenis! quæ aliis in urbibus Græciæ! quas res divinas talibus institutas viris! quos cantus! quæ carmina! prope

"How then would he affect you if living, since when dead he has so terrified you by the unembodied imagination?" "Cogitationes inanes" occur c. 34. but in a different sense: "fruitless, unprofitable thoughts."

Ea virtute. For *tali virtute.* — *Si is, inquam. Inquam* is often used in repetition. Comp. c. 31. pro Marc. c. 2. Att. X. 6. — *Propter amicitiam.* A reconciliation had taken place between Pompey and Clodius, about three years before the death of the latter. See notes on c. 7. and 8. — *Hujus ergo.* Cicero is now going to shew that Milo was not the murderer of Clodius: "If Milo, then, were the slayer of Clodius, should he in confessing the fact dread punishment at the hands of his judges, of those very men whose deliverance he has effected?"

Iis viris, qui. He seems to allude to Harmodius and Aristogiton, who sacrificed their lives in attempting to liberate Athens from the tyranny of Hipparchus and Hippias, the sons of Pisistratus. The Athenians, to reward the patriotism of these illustrious citizens, made a law, that no slave should ever bear the name of Aristogiton, or Harmodius. Comp. Valerius Maximus, II. 10. ext. 1. — *Quas res divinas!* "What ceremonies! what divine honours!" The Delphin editor understands "statues," "columns," &c. — *Quos cantus!* There is a celebrated Ode of Callistratus, to Harmodius and Aristogiton, beginning thus:

Ἐν μύρτου κλαδὶ τὸ ξίφος φορήσω,
Ὥσπερ Ἁρμόδιος κ' Ἀριστογείτων,
Ὅτε τὸν τύραννον κτανέτην,
Ἰσονόμους τ' Ἀθήνας ἐποιησάτην.
Φίλταθ' Ἁρμόδι' οὔ τι που τέθνακας·
Νήσοις δ' ἐν μακάρων σε φασὶν εἶναι,
κ.τ.λ.

— *Prope ad immortalitatis.* "They are consecrated almost to a veneration and fame of immortality." —

ad immortalitatis et religionem et memoriam consecrantur. Vos tanti conservatorem populi, tanti sceleris ultorem, non modo honoribus nullis afficietis, sed etiam ad supplicium rapi patiemini? Confiteretur, confiteretur, inquam, si fecisset, et magno animo, et libenter, se fecisse libertatis omnium causa. Quod esset ei certe non confitendum modo, verum etiam prædicandum.

XXX. Etenim, si id non negat, ex quo nihil petit, nisi ut ignoscatur, dubitaret id fateri, ex quo etiam præmia laudis essent petenda? nisi vero gratius putat esse vobis, sui se capitis, quam vestri defensorem fuisse; cum præsertim in ea confessione, si grati esse velletis, honores assequeretur amplissimos. Sin factum vobis non probaretur, (quanquam qui poterat salus sua cuique non probari?) sed tamen si minus fortissimi viri virtus civibus grata cecidisset, magno animo constantique cederet ex ingrata civitate. Nam quid esset ingratius, quam lætari

Vos tanti conservatorem. "Will you not only not honour the preserver of so great a people, the avenger of such villany, but even suffer him," &c. — *Honoribus nullis afficietis.* Comp. c. 28. — *Confiteretur.* "He would have confessed, he would, I say, if he had done the deed, have bravely and willingly confessed that he did it for the deliverance of all: and indeed he ought not only to have confessed it, but," &c. *Predicare* signifies "to declare publicly," "to assert proudly."

Chap. XXX. *Si id non negat.* "If he does not deny that he slew Clodius in self-defence, and repelling force by force, for which he desires nothing but pardon, would he hesitate to confess that he did it for the delivery of his country?"— *Præmia laudis.* The ancient lawyers say, (*l.* xxxv. *ff. de Relig. et Sumt. Fun.*) "Majores minime lugendum putaverunt eum, qui ad patriam delendam, et ad parentes et liberos interficiendos venerit: quem si filius patrem, aut pater filium occidisset, sine scelere, etiam præmio afficiendum omnes constituerunt."— *Nisi vero.* Ironically: "Unless, forsooth." An argument *ab absurdo.* *Nisi forte* is used in the same manner. Comp. c. 5. and 7. — *Quam vestri.* i.e. *capitis.* Lambinus, Grævius, Zurck, &c. read *quam vestri ordinis.* — *Si factum vobis.* "But if you do not approve a deed which achieved your own deliverance," &c. — *Cecidisset.* For *fuisset.* Livy, II. 31. "Ut irrita promissa ejus caderent," i.e. *essent.* Comp. Att. III. 1. Legg. II. 13.

ceteros, lugere eum solum, propter quem ceteri lætarentur? Quanquam hoc animo semper omnes fuimus in patriæ proditoribus opprimendis, ut, quoniam nostra futura esset gloria, periculum quoque et invidiam nostram putaremus. Nam quæ mihi ipsi tribuenda laus esset, cum tantum in consulatu meo pro vobis ac liberis vestris ausus essem, si id, quod conabar, sine maximis dimicationibus meis me esse ausurum arbitrarer? Quæ mulier sceleratum ac perniciosum civem occidere non auderet, si periculum non timeret? Proposita invidia, morte, pœna, qui nihilo segnius rempublicam defendit, is vir vere putandus est. Populi grati est, præmiis afficere bene meritos de republica cives; viri fortis, ne suppliciis quidem moveri, ut fortiter fecisse pœniteat. Quamobrem uteretur eadem confessione T. Annius, qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmetipsi: et, si grata respublica esset, lætaretur; si ingrata, tamen, in gravi fortuna, conscientia sua niteretur. Sed hujus beneficii gratiam, Judices, fortuna populi Romani, et vestra felicitas, et Dii immortales, sibi deberi putant. Nec vero quisquam aliter arbitrari potest, nisi qui nullam vim esse

Propter quem. "Through whose means." Comp. c. 22. — *Hoc animo semper.* "We have all ever been of this sentiment," &c. — *Cum tantum in consulatu.* He alludes to the detection and suppression of Catiline's conspiracy, which, as Plutarch observes, was ever on his lips. — *Sine maximis dimicationibus.* "Without the greatest personal dangers." Comp. Planc. c. 32. Rab. Perd. c. 2. Syll. c. 28. — *Proposita invidia.* Comp. c. 13. Div. I. 5. — *Is vir vere.* "He is to be accounted a brave man indeed," &c. — *Ahala, Nasica, &c.* Comp. c. 17. — *In gravi fortuna.* "He would, in his misfortune, support and console himself with the consciousness of having acted uprightly."

Fortuna populi Romani. The Romans attributed the origin, increase and magnitude of their empire to the power of the Goddess Fortune, to whom they erected several temples. Comp. Horace, Od. I. 35. 1. seqq. Juvenal, X. 366. and Plutarch's Tract on the Fortune of the Roman People. — *Sibi deberi.* "Due to themselves," and not to Milo, who achieved that which he never meditated. — *Nullam vim.* "No divine nature." Comp. Nat. Deor. III. 36. Colum. I. 7. Plin. N. H. XVIII. 28.

ducit, numenve divinum: quem neque imperii vestri magnitudo, neque sol ille, nec cœli signorumque motus, nec vicissitudines rerum atque ordines movent, neque, id quod maximum est, majorum nostrorum sapientia; qui sacra, qui cærimonias, qui auspicia et ipsi sanctissime coluerunt, et nobis, suis posteris, prodiderunt.

XXXI. Est, est profecto illa vis: neque in his corporibus, atque in hac imbecillitate nostra, inest quiddam, quod vigeat et sentiat, et non inest in hoc tanto naturæ tam præclaro motu: nisi forte idcirco esse non putant, quia non apparet, nec cernitur: proinde quasi nostram ipsam mentem, qua sapimus, qua providemus, qua hæc ipsa agimus ac dicimus, videre, aut plane, qualis aut ubi sit, sentire possimus. Ea vis, ea est igitur ipsa, quæ sæpe incredibiles huic urbi felicitates atque opes attulit; quæ illam perniciem extinxit ac sustulit; cui primum mentem injecit, ut vi irritare, ferroque lacessere fortissimum virum auderet, vincereturque ab eo, quem si vicisset, habiturus esset impunitatem et licentiam sempiternam. Non est humano consilio, ne mediocri quidem,

CHAP. XXXI. *Illa vis.* "That divine nature." Comp. c. 30. — *Neque in his corporibus.* "And there does not exist in these our mortal bodies and our feeble frames any vivifying and perceptive principle, which does not exist in this so grand and sublime mechanism of nature." — *Nisi forte.* Comp. c. 5. 7. — *Proinde quasi.* "Just as if we could see our own perceptive faculty," &c. *Proinde* is often put for *perinde*, as in this passage. Orelle, with the Juntine ed. reads *perinde*. Comp. ad Divers. X. 24. Gell. IX. 3. Justin, XLI. 3. — *Qua hæc ipsa.* "Whereby we plead this very cause." — *Aut plane, qualis.* "Or clearly perceive its nature and place of existence." "Proinde quasi oculus noster, qui omnia extra se corpora cernit, se ipsum intueri possit." *Zurck.*

Ea est igitur ipsa. Igitur for *inquam.* Comp. c. 29. Att. III. 3. Laur. Vall. Eleg. II. 43. — *Felicitates atque opes.* "Imparted good fortune *and assistance.*" Comp. c. 28. 32. Div. IV. 3. *Bonæ felicitates* occurs in Terence, Eun. II. 3. 32. This word, I think, does not occur elsewhere in the plural. — *Illam perniciem.* Meaning Clodius. — *Fortissimum virum.* Milo. Comp. c. 1. — *Quem si vicisset.* "Whom if Clodius had overpowered, he would have obtained perpetual impunity and licence for his villanies." — *Non est humano.* "That result has been

Judices, Deorum immortalium cura, res illa perfecta. Religiones, mehercule, ipsæ, quæ illam belluam cadere viderunt, commosse se videntur, et jus in illo suum retinuisse. Vos enim jam, Albani tumuli atque luci, vos, inquam, imploro, atque obtestor, vosque Albanorum obrutæ aræ, sacrorum populi Romani sociæ et æquales, quas ille, præceps amentia, cæsis prostratisque sanctissimis lucis, substructionum insanis molibus oppresserat: vestræ tum

effected not by any human design, and not, indeed, by any ordinary interposition of the immortal Gods." — *Res illa.* The death of Clodius, and the consequent delivery of the state from his wicked designs. — *Religiones.* "The objects of our worship." "Ædes, sacra, cærimoniæ ibi institutæ." *Zurck.* "Simulacrum Jovis, quod dissolvi transferrique Romam placuerit, tantum cachinnum repente edidit, ut machinis labefactis opifices defugerint," Sueton. Calig. c. 57. — *Mehercule.* The vocative *Hercules*, or *Hercule*, contr. *Hercle*, is frequent as a form of adjuration. Also *Mehercules*, or *Mehercule*. This is generally explained as equivalent to *ita me Hercules adjuvet.* But since *Hercules*, or *Hercule*, is rather the vocative case, *me* seems to be put for *mi*; unless we say *me* is the Greek μὰ, and so *mehercules* for *per Herculem*, as Vossius supposes. Cicero says, Orat. c. 47. that he prefers *mehercule* to *mehercules*; but the latter is often found in his writings. Comp. Rosc. Am. c. 48. Planc. c. 26. Verr. IV. 14. Gellius says, XI. 6. that this oath was not used by women; and in good writers we do not find it attributed to them. See Plaut. Truc. II. 1. 1. Phædr. III. 17. 8. — *Commosse.* "To have roused themselves, and to have asserted their rights in his destruction." *Commosse* for *commovisse.* Comp. Planc. c. 37. ad Div. XII. 18. Horace, Sat. II. 1. 45. *Jus suum retinere*, "to maintain his right," occurs also in the pleadings against Verres, III. 15. Comp. Divin. II. 35. Planc. c. 23. Qu. Fr. I. 2. 3. — *Vos enim jam.* Quintilian, XII. 10. directs our attention to the sublimity of this apostrophe. — *Albanorum obrutæ aræ.* Cicero insinuates that Clodius desecrated and destroyed certain altars and other sacred buildings for and in the erection of his Albanian villa. — *Sociæ et æquales.* "He refers here to those rites which were common to all the people of Latium, with the Romans. They were at first instituted by Tarquin the Cruel, who, in order to keep the Latin association firm to their engagements with him, erected a new temple in the midst of them to Jupiter Latialis, on a hill near the ruins of Alba, where the diets of the united cantons were annually to assemble on the twenty-seventh of April, which was called *Feriæ Latinæ*, and jointly offer sacrifice to Jupiter, and feast together in token of union." *Duncan.* The Feriæ Latinæ lasted fifteen days. Comp. Livy, XXI. 63. Dionys. Halic. IV. 49. —— *Substructionum insanis molibus.* "Propter insanas

aræ, vestræ religiones viguerunt, vestra vis valuit, quam ille omni scelere polluerat: tuque ex tuo edito monte, Latiaris sancte Jupiter, cujus ille lacus, nemora, finesque sæpe omni nefario stupro et scelere macularat, aliquando ad eum puniendum oculos aperuisti: vobis illæ, vobis vestro in conspectu seræ, sed justæ tamen et debitæ, pœnæ solutæ sunt. Nisi forte hoc etiam casu factum esse dicemus, ut ante ipsum sacrarium Bonæ Deæ, quod est in fundo T. Sextii Galli, in primis honesti et ornati adolescentis, ante ipsam, inquam, Bonam Deam, cum prælium commisisset, primum illud vulnus acciperet, quo teterrimam mortem obiret; ut non absolutus judicio illo nefario videretur, sed ad hanc insignem pœnam reservatus.

XXXII. Nec vero non eadem ira Deorum hanc ejus satellitibus injecit amentiam, ut sine imaginibus, sine

illas substructiones," c. 20. — *Ex tuo edito monte.* Mount Albanus. The Alban lake was at the foot of this mountain, and was about seven or eight miles in circumference. The neighbourhood was adorned with the villas of wealthy Romans. Comp. Horace, Epist. II. 1. 27. Propert. III. 21. — *Seræ, sed justæ.* "Sera tamen tacitis Pœna venit pedibus," Tibull. I. 9. 4. "Raro antecedentem scelestum Deseruit pede Pœna claudo," Horace, Od. III. 2. 31. Comp. Stat. Theb. V. 60. — *Nisi forte.* Comp. c. 5. 7. —— *Sacrarium Bonæ Deæ.* Asconius says that the conflict took place "prope eum locum, in quo Bonæ Deæ sacellum est."— *Judicio nefario.* Comp. Val. Max. IX. 1. 7.

CHAP. XXXII. *Nec vero non.* "And indeed it was the same anger of the Gods that inspired his followers with such fury," &c. *Nec non* is often used for *et.* But Cicero never uses it so, unless *nec* had preceded, or is placed at the commencement of the period. Comp. Catil. IV. 2. Fam. VI. 1. de Orat. II. 85. — *Sine imaginibus.* "Tu spoliatum imaginibus, exsequiis, pompa, laudatione, infelicissimis lignis semiustulatum, nocturnis canibus dilaniandum, reliquisti," c. 13. —— *Sine cantu.* At the head of the funeral procession marched flute-players, trumpeters, horn-blowers, &c. These were followed by the *præficæ*, "mourning-women," hired to lament and to direct the other mourners in singing the funeral song, called *næniæ.* Horace, Od. II. 20. 21.

"Absint inani funere næniæ
Luctusque turpes et querimoniæ:
Compesce clamorem, ac sepulcri
Mitte supervacuos honores."

Comp. Ovid, Fast. VI. 660. Propert.

cantu atque ludis, sine exsequiis, sine lamentis, sine laudationibus, sine funere, oblitus cruore et luto, spoliatus illius supremi diei celebritate, quam concedere etiam inimici solent, ambureretur, abjectus. Non fuisse credo

II. 13. 20. Horace, Sat. I. 6. 43. — *Atque ludis.* Games and gladiatorial sports were exhibited at the funerals of the great. Players and buffoons also formed part of the procession; one of whom, called *archimimus*, supported the character of the deceased. Comp. Dionys. Halic. VII. 72. Sueton. Tib. c. 57. Vesp. c. 19. "The heathens imagined, that the ghosts of the deceased were satisfied, and rendered propitious by human blood; accordingly, at first they used to buy captives, or untoward slaves, and offered them at their obsequies. Afterwards, they contrived to veil over their impious barbarity with the specious show of pleasure, and voluntary combat; and therefore, training up such persons as they had procured, in some tolerable notion of weapons, they obliged them, on the day of the sacrifice to the departed ghosts, to maintain a mortal encounter at the tombs of their friends." *Duncan.* — *Sine exsequiis. Exsequiæ* properly denotes "the funeral procession," which is called *pompa*, c. 13. and in Propertius, II. 13. 19. See Markland on Statius, Sylv. III. 5. 52. p. 178. — *Sine lamentis.* The lamentation was raised by the *præficæ* at the funeral pile. This word, perhaps, does not occur in the singular. The feminine *lamenta* is found only in Pacuvius ap. Non. c. 2. n. 493. — *Sine laudationibus.* Comp. c. 13. "If none of the kindred undertook the office of pronouncing the funeral oration, it was discharged by some of the most eminent persons in the city for learning and eloquence, as Appian says respecting the funeral of Sylla. The invention of this custom is generally attributed to Valerius Publicola, soon after the expulsion of the Tarquins. Plutarch tells us, that, honouring his colleague's obsequies with a funeral oration, it so pleased the Romans, that it became customary for the best men to celebrate the funerals of great persons with speeches in their commendation." *Duncan.* —— *Sine funere.* "Without funeral ceremonies," which include all the foregoing. This is the usual meaning of *funus*, which Vossius derives from βουνὸς, (pron. *vunus*,) "a hill." Others, whom Dr. Adams follows, derive it from *funis*, or *funalia*; because *torches*, used at funerals, were made of *rope* covered with pitch, wax, or tallow. Comp. Val. Max. III. 6. 4. In Terence, Andr. I. 1. 100. *funus* is used for *pompa*, or *exsequiæ*: "Funus interim procedit, nos sequimur." On which see Donatus. It often signifies "a corpse," as in Propert. I. 17. 8. Cic. Rosc. Am. c. 8. Amic. c. 3. Comp. c. 32. — *Oblitus cruore et luto.* Because the body of Clodius had been cast, after the murder, into the public road, where it had been found by the senator Tedius. Comp. c. 13. — *Spoliatus illius supremi.* "Deprived of those last solemn rites, which even enemies are wont to grant." Hannibal delivered up the body of M. Marcellus to his relatives, that it might receive the rites of sepulture. — *Non fuisse credo.* "It would not have been consistent

fas, clarissimorum virorum formas illi teterrimo parricidæ aliquid decoris afferre, neque ullo in loco potius mortem ejus lacerari, quam in quo vita esset damnata. Dura mihi, medius fidius, jam fortuna populi Romani et crudelis videbatur, quæ tot annos illum in hanc rempublicam insultare videret et pateretur. Polluerat stupro sanctissimas religiones; senatus gravissima decreta perfregerat; pecunia se palam a judicibus redemerat; vexarat in tribunatu Senatum; omnium ordinum consensu pro salute reipublicæ gesta resciderat; me patria expulerat; bona diripuerat; domum incenderat; liberos, conjugem meam vexaverat; Cn. Pompeio nefarium bellum indixerat;

with piety, I think, that the images of illustrious men should confer any dignity on that most detestable parricide; nor that his corpse should be torn by dogs in any other place than that in which his life had been condemned." — *Clarissimorum virorum.* The images of the Clodian family, who were most illustrious. — *Aliquid decoris afferre.* Comp. c. 28. 31. — *Mortem.* This word is used in the same sense by Propertius, II. 13. 22. "Nec sit in Attalico mors mea nixa toro;" and by Pliny, N. H. XIV. 19. "Vitis, quam juxta hominis mors laqueo pependerit." So *funus*, Propert. I. 17. 8. — *Lacerari.* His body was cast into the forum, "nocturnis canibus delacerandum," where his life and nefarious actions had been condemned by many decrees of the senate. Comp. c. 13.

Medius fidius. Comp. c. 28. — *Fortuna.* Fortune, the guardian Goddess of the Roman people. — *Sanctissimas religiones.* The mysteries of the Bona Dea. Comp. c. 27. — *Senatus gravissima decreta.* The senate decreed that his impiety and sacrilege should be expiated by his death. He contrived, however, to escape, by bribing the judges. Comp. c. 5. — *Vexarat in tribunatu.* Clodius, the more effectually to ruin Cicero, had, in his tribuneship, decreed provinces to Gabinius and Piso, contrary to the authority of the senate. — *Omnium ordinum consensu.* "He abrogated those acts, which had been passed with the consent of every order for the safety of the state." "Though the putting Catiline's accomplices to death was not done by Cicero's single authority, but by a general vote of the senate, and after a solemn hearing and debate, yet Clodius pretended it was illegal; and accordingly passed a law, importing, that whoever had taken the life of a citizen uncondemned and without trial, should be prohibited from fire and water." *Duncan.* — *Cn. Pompeio.* "Comprehensus est in templo Castoris servus P. Clodii, quem ille ad Cn. Pompeium interficiendum collocarat," c. 7. It does not appear that Clodius had actually waged an open war against Pompey, or that he had slain any of the magistrates; but it is well known

magistratuum privatorumque cædes effecerat; domum mei fratris incenderat; vastarat Etruriam; multos sedibus ac fortunis ejecerat; instabat, urgebat; capere ejus amentiam civitas, Italia, provinciæ, regna non poterant; incidebantur jam domi leges, quæ nos nostris servis addicerent; nihil erat cujusquam, quod quidem ille adamasset, quod non hoc anno suum fore putaret. Obstabat ejus cogitationibus nemo, præter Milonem. Ipsum illum, qui poterat obstare, novo reditu in gratiam quasi devinctum arbitrabatur; Cæsaris potentiam, suam potentiam dicebat; bonorum animos etiam in meo casu contemserat. Milo unus urgebat.

XXXIII. Hic, Dii immortales, ut supra dixi, mentem illi perdito ac furioso dederunt, ut huic faceret insidias. Aliter perire pestis illa non potuit: nunquam illum respublica suo jure esset ulta. Senatus, credo, prætorem

that his slaves had made an assault upon Sextius, Q. Fabricius, and M. Cispius, in which affray many private persons lost their lives. Sextius and Fabricius were wounded. — *Domum mei fratris.* Comp. ad Att. IV. 3. — *Capere ejus dementiam.* "Janiculo et Alpibus spem possessionum terminabat suarum," c. 27. "Regna dedit, ademit: orbem terrarum quibuscum voluit partitus est." —— *Incidebantur jam domi.* "Laws were already engraven at his house, which were to consign us to our own slaves," he was so certain of being able to enact them in his prætorship. *Incidebantur*, sc. *in æs:* though this ought, perhaps, to be taken figuratively. *Addicere* is a law term, and signifies "to adjudge," or "award," "to declare that any thing is the property of a certain person," "to order to be surrendered." Thus "addicere aliquem in servitutem," Livy III. 56. Hence *addictus*, "a debtor made over to a creditor," as his slave, Quintil. V. 10. 60. It also signifies "to knock down and assign to the highest bidder," at an auction. Comp. Cæcin. c. 6. Verr. I. 57. — *Ipsum illum.* Pompey, who had been reconciled to Clodius. Comp. c. 8.

CHAP. XXXIII. *Ut supra dixi.* Comp. c. 31. — *Huic.* For Milo. — *Aliter perire pestis.* "Never could that pest of mankind otherwise have perished, than in his attempt to assassinate Milo: and never could the state by her own authority have wreaked her vengeance upon him," &c. — *Senatus, credo.* Irony: "The senate, forsooth, would have circumscribed his power during the prætorship." *Circumscribere*, "to restrain" within certain bounds. Comp. Att.

eum circumscripsisset. Ne cum solebat quidem id facere in privato eodem hoc, aliquid profecerat. An consules in prætore coercendo fortes fuissent? Primum, Milone occiso, habuisset suos consules. Deinde quis in eo prætore consul fortis esset, per quem tribunum, virtutem consularem crudelissime vexatam esse meminisset? Oppressisset omnia, possideret, teneret; lege nova, quæ est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset. Postremo, nisi eum Dii immortales in eam mentem impulissent, ut homo effœminatus fortissimum virum conaretur occidere, hodie rempublicam nullam haberetis. An ille prætor, ille vero consul, si modo hæc templa, atque ipsa mœnia stare, eo vivo, tamdiu et consulatum ejus expectare potuissent, ille denique vivus mali nihil fecisset, qui mortuus, uno ex suis satellitibus, Sex. Clodio, duce, curiam incenderit? Quo quid miserius, quid acerbius, quid luctuosius vidimus? Templum sanctitatis, amplitudinis, mentis, consilii publici,

VII. 9. — *Ne cum solebat.* "The senate did not indeed succeed, even when it often attempted to restrain him as a private individual:" how then could it circumscribe his power in the prætorship? — *Suos consules.* His own friends, Hipsæus and Scipio, whom he supported against Milo, in their canvass for the consulship. — *Virtutem consularem.* "That a virtuous consular man," &c. Cicero, according to Abram; but others think Q. Metellus Celer is meant, who is said to have been poisoned by the Clodian faction. For *virtus* in this sense, see notes on c. 37. — *Lege nova.* Among the many laws found ready prepared in the house of Clodius, was one, granting freedmen the privilege of voting among the city tribes, and that the rural tribes should be entitled to the right of suffrage at the consular elections. — *Servos nostros.* "He would have made our slaves his own freedmen." — *Ut homo . . . virum.* The difference between *homo* and *vir* is strongly marked here: the one is uttered with contempt, the latter with praise. — *Hæc templa.* Cicero points to the several temples which surrounded the forum. Comp. c. 1. — *Vivus mali nihil.* "Would he, if living, have done no mischief, who, even when dead, under the guidance of one of his satellites, S. Clodius, set the senate-house on fire?" Here Cicero properly, as an orator, attributes to Clodius himself that which had been perpetrated by one of his faction. —— *Templum sanctitatis.* "That the temple of sanctity, dig-

caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo Romano concessam uni ordini, inflammari, exscindi, funestari? neque id fieri a multitudine imperita, (quanquam esset miserum id ipsum,) sed ab uno; qui cum tantum ausus sit ultor pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum abjecit, ut eam mortuus incenderet, quam vivus everterat. Et sunt, qui de via Appia querantur, taceant de curia? et qui ab eo spirante forum putent potuisse defendi, cujus non restiterit cadaveri curia? Excitate, excitate ipsum, si potestis, ab inferis. Frangetis impetum vivi, cujus vix sustinetis furias insepulti? nisi vero sustinuistis eos, qui cum facibus ad curiam cucurrerunt, cum

nity, wisdom," &c. The senate is called *sanctum concilium* in Horace, Od. IV. 5. 4. "Maturum reditum pollicitus patrum Sancto concilio, redi." Thus also Virgil, Æn. I. 422. "Jura magistratusque legunt sanctumque Senatum." — *Aram sociorum.* "The sanctuary and asylum of the allies." Offic. II. 8. 2. "Regum, populorum, nationum *portus* erat et *refugium* Senatus." —— *Funestari.* "Polluted." It properly signifies "to be polluted by a corpse." Comp. Font. c. 10. Rab. Perd. c. 4. — *Qui cum tantum.* "Since he dared so much as burner for the dead, what would he not have dared as standard-bearer for the living?" For *ustor* Grævius reads, with the ancient edd., *ultor.*

Et sunt qui. Et, like εἶτα, is often used in indignation: "And are there persons to be found," &c. Comp. Phil. I. 8. Ovid. Met. XIII. 338. — *De via Appia.* That he was slain on the monuments of his ancestors. — *De curia.* Of the burning of the senate-house. — *Et qui ab eo. Ab* for *contra,* "from," "against": "And are there persons who think that the forum could have been defended against Clodius, so long as he was alive."— *Frangetis impetum.* Comp. c. 28. Div. IV. 4. — *Nisi vero.* "Unless, forsooth," &c. Comp. c. 5. 7. 30. — *Cum falcibus ad Castoris.* Supply *ædem:* "With hooks to the temple of Castor," which was a depository for arms. Comp. Cluent. c. 36. Horace, Sat. I. 9. 35. *Falx muralis* was a weapon of war used in sieges, partly for tearing down the walls, partly for pulling down the besieged. Comp. Cæsar, B. G. III. 14. VII. 22. *Falces* were also used for pulling down buildings. Many of the ancient edd. for *falcibus* in this place, have *facibus.* Lambinus, Zurck, and some others, read *fascibus;* on which Abram gives the following note: "Asconius multitudinem ait *fasces* ex lecto Libitinæ raptos attulisse ad domum Scipionis et Hypsæi, deinde ad hortos Cn. Pompeii, clamitantem eum modo consulem, modo dictatorem. Itaque

falcibus ad Castoris, cum gladiis toto foro volitarunt. Cædi vidistis populum Romanum, concionem gladiis disturbari, cum audiretur silentio M. Cœlius, tribunus plebis, vir et in republica fortissimus, et in suscepta causa firmissimus, et bonorum voluntati, et auctoritati senatus deditus, et in hac Milonis sive invidia sive fortuna singulari, divina et incredibili fide.

XXXIV. Sed jam satis multa de causa: extra causam etiam nimis fortasse multa. Quid restat, nisi ut orem obtesterque vos, Judices, ut eam misericordiam tribuatis

inde apparet ritus, haud alibi inveniendus, quo *fasces* consulares, cum resp. consules non haberet, ad pulvinar sive lectum Veneris Libitinæ perlati, ejusque custodiæ mandati, ut cum novi consules facti essent, inde promerentur." In the temple of Libitina, which was built by Servius Tullius, every thing necessary for funerals were exposed for sale; and, of course, "torches," (*faces,*) which the mob would be very likely to seize on such an occasion as that recorded in the text. — *M. Cœlius.* "As Milo returned to Rome the same night on which the senate-house was set on fire, Cœlius, one of the tribunes of the people, having called an assembly of all those who favoured Milo, inveighed severely against Clodius, and enumerated the various instances of his guilt and villany; upon which, the rest of the tribunes rushed into the forum with a body of armed men, and would have killed both Cœlius and Milo, if they had not dressed themselves like slaves, and by that means made their escape. They killed many of the citizens, those especially who by their dress seemed to be persons of distinction; and under a pretence of searching for Milo, forced their way into many houses, and plundered them. This account we have from Asconius, who, instead of *Cœlius,* reads *Cœcilius.*" Duncan. — *In suscepta causa firmissimus.* When Pompey proposed his law for altering the regular form of trial, Cœlius vigorously opposed it, as having no foundation in justice and equity, and being provided particularly against Milo. He was obliged to withdraw his negative, however, upon Pompey's declaring that he would support it by force of arms.

Chap. XXXIV. *Sed jam satis.* "But now I have spoken quite enough with respect to the cause; and, perhaps, even more than enough in my digression from the cause." — *De causa.* The cause, in which it has been proved that Milo did not lie in ambush for Clodius; but Clodius for Milo. — *Extra causam.* The digression from the cause, in which he so largely inveighs against the vices and crimes of Clodius, and in which it is shown that Milo has done his country a great service in ridding it of so turbulent a demagogue as Clodius. — *Quid restat.* The peroration, or winding up of his oration,

fortissimo viro, quam ipse non implorat; ego etiam, repugnante hoc, et imploro, et exposco? Nolite, si in nostro omnium fletu nullam lacrymam aspexistis Milonis, si vultum semper eundem, si vocem, si orationem stabilem ac non mutatam videtis, hoc minus ei parcere. Haud scio, an multo etiam sit adjuvandus magis. Etenim si, in gladiatoriis pugnis, et in infimi generis hominum conditione atque fortuna, timidos et supplices, et, ut vivere liceat, obsecrantes, etiam odisse solemus; fortes et animosos, et se acriter ipsos morti offerentes, servare cupimus; eorumque nos magis miseret, qui nostram misericordiam non requirunt, quam qui illam efflagitant; quanto hoc magis in fortissimis civibus facere debemus? Me quidem, Judices, exanimant et interimunt hæ voces Milonis, quas audio assidue, et quibus intersum quotidie.

in which he endeavours to move the compassion of the judges. — *Quam ipse non implorat.* Milo was of too high a spirit to resort to supplication, or even to appear before his judges in the usual habit of mourning. Comp. c. 38. And this seems to have given great offence both to Pompey and the judges. Comp. Quintil. VI. 1.

Nolite, si in nostro. Join *nolite hoc minus ei parcere:* "Though you have not seen a single tear of Milo's, &c. do not on this account spare him the less."— *Etenim si in gladiatoriis.* "For if in the combats of gladiators, and of men of the lowest grade in rank and fortune, we are wont even to detest those who are cowardly and suppliant, and entreat that their lives may be spared; but are desirous of saving the brave and courageous, and those who expose themselves to death—who face death boldly," &c. — *Infimi generis.* Gladiators were at first composed of captives and slaves, or of condemned malefactors. In after-times, free-born citizens, induced by hire, or inclination, fought on the stage; and some even of noble birth. Comp. Juvenal, II. 43. VIII. 191. — *Odisse solemus.* The fate of a vanquished gladiator depended on the pleasure of the people. If, through cowardice, he suffered himself to be conquered, the people sometimes clenched their hands and turned their thumbs towards their breast, to signify that he ought to be run through by the victor. But when they wished to save the life of a gladiator, the signal was given by enclosing the thumb in the clenched hand. See Ruperti on Juvenal, III. 36. "Et verso pollice vulgi Quemlibet occidunt populariter."

Quibus intersum. "At which I am daily present"—which are daily

Valeant, valeant, inquit, cives mei, valeant: sint incolumes, sint florentes, sint beati: stet hæc urbs præclara, mihique patria carissima, quoquo modo merita de me erit: tranquilla republica cives mei, (quoniam mihi cum illis non licet,) sine me ipsi, sed per me tamen, perfruantur. Ego cedam, atque abibo. Si mihi republica bona frui non licuerit, at carebo mala: et, quam primam tetigero bene moratam et liberam civitatem, in ea conquiescam. O frustra, inquit, suscepti mei labores! O spes fallaces! O cogitationes inanes meæ! Ego, cum tribunus plebis, republica oppressa, me senatui dedissem, quem extinctum acceperam; equitibus Romanis, quorum vires erant debiles; bonis viris, qui omnem auctoritatem Clodianis armis abjecerant: mihi unquam bonorum præsidium defuturum putarem? Ego, cum te (mecum enim sæpissime loquitur) patriæ reddidissem, mihi putarem in patria non futurum locum? Ubi nunc senatus est, quem secuti sumus? ubi equites Romani illi, illi, inquit, tui? ubi studia municipiorum? ubi Italiæ voces? ubi denique

uttered in my presence. — *Sint incolumes.* "May they be powerful." "Urbem et cives integros incolumesque servavi," Catil. III. 10. Comp. Fin. IV. 8. "*Incolumis* a columna vocatus, eo quod erectus et firmissimus sit." Isidor. Orig. 10. Zurck, alluding to this derivation, interprets it: '*Me columine ne egeant,*' "may they not want my support and protection." — *Quoquo modo erit merita de me.* "Whatever she may have deserved of me"—whether she treat me well, or ill; whether she acquit me as innocent, or condemn me as a murderer. — *At carebo mala. At* for *saltem:* "At least I shall be free from an ill-regulated state." Comp. pro Quint. c. 31. pro Dom. c. 50. — *Et quam primam.* "And the very first well-regulated and free city I shall reach, shall be my resting-place." *Marseilles* was proverbial for its just laws and well-organized government. See *Massiliam naviga* in the Adagia of Erasmus, and comp. Justin, XLIII. 4. — *O cogitationes inanes meæ.* "O my fruitless, unprofitable thoughts." Comp. c. 29. Quintil. VI. 1. — *Me senatui dedissem.* "Had devoted myself to the interests of the senate." — *Ego cum te.* Milo, in his tribuneship, had greatly exerted himself to obtain the recal of Cicero. — *Equites tui.* "Your friends the Roman knights." The Delphin editor thinks there is an allusion here to the fact, that Cicero's family were of the equestrian rank. —— *Studia*

tua, M. Tulli, quæ plurimis fuit auxilio, vox, et defensio? mihine ea soli, qui pro te toties morti me obtuli, nihil potest opitulari?

XXXV. Nec vero hæc, Judices, ut ego nunc, flens, sed hoc eodem loquitur vultu, quo videtis. Negat enim se, negat, ingratis civibus fecisse, quæ fecerit; timidis, et omnia circumspicientibus pericula, non negat. Plebem et infimam multitudinem, quæ, P. Clodio duce, fortunis vestris imminebat, eam, quo tutior esset vita nostra, suam se fecisse commemorat; ut non modo virtute flecteret, sed etiam tribus suis patrimoniis deliniret: nec timet, ne, cum plebem muneribus placarit, vos non conciliarit meritis in rempublicam singularibus. Senatus erga se benevolentiam temporibus his ipsis sæpe esse perspectam;

municipiorum. Comp. c. 15. Piso, c. 15.

Chap. XXXV. *Negat enim se.* "For he denies, he wholly denies, that the services which he has performed, have been performed for ungrateful citizens; but he does not deny, that they have been performed for those who are timid and apprehensive of danger"—he denies that his fellow-citizens have treated him with ingratitude; but he does not deny that they are timid, &c. — *Plebem et infimam.* "As to the common people and the vile mob, who, under their leader P. Clodius, threatened the annihilation of your fortunes, he declares that he gained them over to his side, that your life might be more secure, so that he not only turned them by his firmness, but also appeased them by the distribution of three inheritances." — *Infimam multitudinem.* "Quos P. Clodii furor rapinis et incendiis et omnibus exitiis publicis pavit," c. 2. — *Virtute flecteret.* So "flectere animos," Orat. II. 52. "That he not only curbed them." *Duncan.* —— *Tribus suis patrimoniis.* "Milo had three estates; one left him by his father, another by his mother, and the third by Caius Annius, his grandfather by the mother's side, by whom he was adopted. All the three he spent in largesses and public sports, for which he was charged with bribery; but Cicero says these largesses were bestowed upon the people by Milo, with no other design, but that the rich might be preserved from being robbed." *Duncan.* —*Nec timet ne. Nec* stands for *et non:* "And since he has appeased the commons by his liberality, he does not fear that he shall not gain your affection by his extraordinary services to the state." See notes on c. 1. — *Muneribus placarit.* "Ipsum Milonem sestertium septingenties æris alieni debuisse inter prodigia animi humani duco." Pliny, N. H. XXXVI. 15. Abram thinks by *muneribus* are meant theatrical exhibitions and

vestras vero, et vestrorum ordinum occursationes, studia, sermones, quemcumque cursum fortuna dederit, secum se ablaturum esse dicit. Meminit etiam, sibi vocem præconis modo defuisse, quam minime desiderarit: populi vero cunctis suffragiis, quod unum cupierit, se consulem declaratum. Nunc denique, si hæc arma contra se sint futura, sibi facinoris suspicionem, non facti crimen obstare. Addit hæc, quæ certe vera sunt: Fortes et sapientes viros, non tam præmia sequi solere recte factorum, quam ipsa recte facta: se nihil in vita nisi præclarissime fecisse; siquidem nihil sit præstabilius viro, quam periculis patriam liberare: beatos esse, quibus ea res honori fuerit a suis civibus; nec tamen eos miseros, qui beneficio cives suos vicerint: sed tamen ex omnibus præmiis virtutis, si esset habenda ratio præmiorum, amplissimum esse

gladiatorial sports. — *Vestrorum ordinum.* The orders of senators, knights, and tribunes of the treasury, from which orders the judges were selected. — *Occursationes.* "Friendly greetings." Comp. Planc. c. 12. — *Quemcumque cursum.* Virgil, Æn. IV. 654. "Vixi, et quem dederat cursum Fortuna peregi." *Quemcumque* for *qualemcumque.* Comp. pro Sext. c. ult. Red. in Sen. c. 6.

Vocem præconis. "That the voice of the public crier only was wanting to announce (*i.e.* to confirm) his election." Comp. Verr. V. 15. — *Hæc arma.* The military stationed in and round the forum. — *Sibi facinoris.* Supply *meminit:* "He bears in mind that it is the mere suspicion of guilt, not the crime of actual perpetration, that injures him." — *Facti crimen.* So also Juvenal, XIII. 210. — *Fortes et sapientes.* That virtue should be sought for virtue's sake, is a dogma of the Stoics. This is well expressed by Claudian on the Consulship of Mallius, in the verses beginning thus: "Ipsa quidem virtus pretium sibi," &c. — *Quibus ea res.* "For whom such conduct has procured honour from their citizens." — *Amplissimum esse præmium.* It will not seem strange to observe the wisest of the ancients pushing this principle to so great a length, and considering glory as the amplest reward of a well-spent life, when we reflect, that the greatest part of them had no notion of any other reward or futurity; and even those who believed in a state of happiness to the good, yet entertained it with so much diffidence, that they indulged it rather as a wish, than a well-grounded hope; and were glad therefore to lay hold on that which seemed to be within their reach, a futurity of their own creating; an immortality of fame and glory from the applause of posterity. This, by a pleasing fiction,

præmium gloriam: esse hanc unam, quæ brevitatem vitæ posteritatis memoria consolaretur; quæ efficeret, ut absentes adessemus, mortui viveremus: hanc denique esse, cujus gradibus etiam homines in cœlum viderentur ascendere. De me, inquit, semper populus Romanus, semper omnes gentes loquentur, nulla unquam obmutescet vetustas. Quin hoc tempore ipso, cum omnes a meis inimicis faces meæ invidiæ subjiciantur; tamen omni in hominum cœtu, gratiis agendis, et gratulationibus habendis, et omni sermone celebramur. Omitto Etruriæ festos et actos, et institutos dies: centesima lux est hæc ab interitu P. Clodii, et, ut opinor, altera: qua fines imperii populi Romani

they looked upon as a propagation of life, and an eternity of existence; and had no small comfort in imagining, that though the sense of it should not reach to themselves, it would extend at least to others; and that they should be doing good still when dead, by leaving the example of their virtues to the imitation of mankind." *Duncan.* "Ipsam quidem gloriam per se, (*i. e.* apart from virtue) nunquam putavi expetendam," Fam. XV. 4. Comp. Arch. c. 6. — *In cœlum.* Horace, Od. III. 2. 21:

"Virtus, recludens immeritis mori
Cœlum, negata tentat iter via:
Cœtusque vulgares et udum
Spernit humum fugiente penna."

Omnes gentes loquentur. Because I delivered my country from such a monster. — *Cum omnes a meis.* "When every excitement is applied by my enemies to the hatred raised against me." *Meæ invidiæ* is a dative depending on *subjiciantur.* It is a metaphor from putting fire under heaped-up wood, or any other material, in order to set it on fire. Comp. Verr. I. 27. So "subjicere facem bellis civilibus," Vell. Pat. II. 48. For this Curtius writes "subdere faces," V. 7. 4. VI. 6. 15. — *Tamen omni in cœtu.* "Yet in every assembly I am celebrated by returning of thanks, by congratulation," &c. "Yet I receive the thanks, congratulations, and applauses of every assembly." *Duncan.* — *Agere gratias* signifies "to return thanks," verbally or by letter; *habere gratias,* "to be grateful."

Omitto Etruriæ. "I name not the festival days of Etruria, both celebrated and instituted," *i. e.* to be held annually in honour of Milo, and to commemorate the death of their enemy. — *Centesima et altera.* "The hundred and first day," &c. Clodius was killed on the twentieth of January; and the present oration was delivered, according to Asconius, on the eighth of April. In order to make up the hundred and one days of the text, an intercalary month of twenty-three days, (mensis Mercedonius,) must be inserted between the twenty-third and twenty-fourth of February. See Adam's Rom. Ant. p. 281. ed. Major. — *Ab interitu. Ab* with words denoting "time," is used

sunt, non solum fama jam de illo, sed etiam lætitia pergravit. Quamobrem, ubi corpus hoc sit, non, inquit, laboro, quoniam omnibus in terris et jam versatur, et semper habitabit nominis mei gloria.

XXXVI. Hæc tu mecum sæpe, his absentibus: sed iisdem audientibus, hæc ego tecum, Milo. Te quidem, quod isto animo es, satis laudare non possum; sed, quo est ista magis divina virtus, eo majore a te dolore divellor. Nec vero, si mihi eriperis, reliqua est illa tamen ad consolandum querela, ut his irasci possim, a quibus tantum vulnus accepero. Non enim inimici mei te mihi eripient, sed amicissimi: non male aliquando de me meriti, sed semper optime. Nullum unquam, Judices, mihi tantum dolorem inuretis, (etsi quis potest esse tantus?) sed ne hunc quidem ipsum, ut obliviscar, quanti me semper feceritis. Quæ si vos cepit oblivio, aut si in me aliquid offendistis, cur non id meo capite potius luitur, quam Milonis? Præclare enim vixero, si quid mihi acciderit

in the signification of *post*, "since." Sallust, Catil. c. 47. "Ab incenso Capitolio illum esse vigesimum annum." — *Laboro.* "I am anxious." Comp. Rosc. Amer. c. 34. Ros. Com. c. 13. Horace, Epist. I. 3. 2.

CHAP. XXXVI. *Hæc tu mecum.* The prosopopœia, beginning at "Valeant, valeant," &c. c. 14. — *Hæc ego apud.* The words which follow: "Te quidem, quod isto animo es," &c. — *Nec vero, si mihi.* "Nor, indeed, if you are torn from me, is this complaint left to console me, that I can be angry with those," &c. — *Non male aliquando.* "Not those who have ever deserved evil of me" —not those who have ever treated me ill, but those who have treated me most kindly. Comp. c. 34. — *Nullum unquam.* "Never shall you inflict any pain so grievous on me,— no, not even this, indeed, as to make me forget how highly you have ever esteemed me — no pain that you shall inflict on me, however grievous it be, shall make me forget the many favours you have conferred on me." "*Inurere alicui dolorem*" occurs again, Phil. XI. 15. So "inurere plurima mala reipublicæ," Phil. II. 46. — *Etsi quis potest.* "Although what pain can be so great," as that which I shall feel, if separated from my friend. — *Aut si in me aliquid.* "Or if you have found cause to be offended with me"— if I have offended you in any way. Comp. Div. V. 14. Q. Fr. I. 1. 4. Cæsar, B. C. II. 32. — *Cur non id meo capite.* "Why is not that atoned for by my life rather," &c. —— *Si quid mihi*

prius, quam hoc tantum mali videro. Nunc me una consolatio sustentat, quod tibi, T. Anni, nullum a me amoris, nullum studii, nullum pietatis officium defuit. Ego inimicitias potentium pro te appetivi: ego meum sæpe corpus et vitam objeci armis inimicorum tuorum: ego me plurimis pro te supplicem abjeci: bona, fortunas meas, ac liberorum meorum, in communionem tuorum temporum contuli: hoc denique ipso die, si qua vis est parata, si qua dimicatio capitis futura, deposco. Quid jam restat? quid habeo, quod dicam? quod faciam pro tuis in me meritis, nisi ut eam fortunam, quæcumque erit tua, ducam meam? Non recuso, non abnuo: vosque obsecro, Judices, ut vestra beneficia, quæ in me contulistis, aut in hujus salute augeatis, aut in ejusdem exitio occasura esse videatis.

XXXVII. His lacrymis non movetur Milo. Est quodam incredibili robore animi: exilium ibi esse putat, ubi virtute non sit locus: mortem naturæ finem esse, non pœnam. Sit hic ea mente, qua natus est. Quid vos,

accideret. Comp. c. 22. Demosthenes, Phil. I. 5.—*Nullum a me amoris.* "That no office of love, &c. has been wanting to you on my part."

Inimicitias potentium. "So warm and steady was Cicero's friendship to Milo, so great his attachment to him, that neither the number of the Clodian faction, nor the great power of Pompey, could deter him from undertaking his defence." *Duncan.* — *In communionem.* "I embarked in the partnership of your calamities." — *Si qua dimicatio.* "If any hazard of your life is about to happen, I demand a participation of the danger." Some for *dimicatio* read *diminutio, i.e.* loss of the rights of a Roman citizen. Comp. Horace, Od. III. 5. 42.

CHAP. XXXVII. *His lacrymis non movetur.* "Is not affected by my tears." Cicero now, with tears in his eyes, turns to and address all present, even the very guards. — *Exilium ibi esse.* "That that only is a place of exile, where there is no room for virtue." Ovid: "Omne solum forti patria est: ut piscibus æquor, Ut volucri vacuo quicquid in orbe patet." — *Mortem naturæ finem esse.* "That death is the termination of our mortal nature, and not a punishment." Thus Sallust, in the speech of Cæsar, Catil. c. 51. "De pœna possumus equidem dicere id, quod res habet; in luctu atque miseriis mortem ærumnarum requiem, non cruciatum esse; eam cuncta mortalium mala dissolvere." — *Sit*

Judices? quo tandem animo eritis? Memoriam Milonis retinebitis; ipsum ejicietis? et erit dignior locus in terris ullus, qui hanc virtutem excipiat, quam hic, qui procreavit? Vos, vos appello, fortissimi viri, qui multum pro republica sanguinem effudistis; vos in viri et in civis invicti appello periculo, centuriones, vosque milites: vobis non modo inspectantibus, sed etiam armatis, et huic judicio præsidentibus, hæc tanta virtus ex hac urbe expelletur? exterminabitur? projicietur? O me miserum! o me infelicem! revocare tu me in patriam, Milo, potuisti per hos: ego te in patria per eosdem retinere non potero? Quid respondebo liberis meis, qui te parentem alterum putant? quid tibi, Q. frater, qui nunc abes, consorti mecum temporum illorum? me non potuisse Milonis salutem tueri per eosdem, per quos nostram ille servasset? At in qua causa non potuisse? Quæ est grata gentibus. A quibus non potuisse? Ab iis, qui maxime P. Clodii morte acquierunt. Quo deprecante? Me. Quodnam ego concepi tantum scelus? aut quod in me tantum facinus admisi,

hic ea mente. "Let him retain that noble sentiment, in which he was born." "Adverte, virtutem connasci magis, quam condisci." *Zurck.* — *Hanc virtutem.* Metonymia of the adjunct for the subject: "this virtuous man." Comp. c. 33. *Virtus* is used in the same manner also by Horace, Od. III. 24. 31. "Virtutem incolumem odimus, Sublatam ex oculis quærimus." Thus *scelus* for *homo scelestus* in Terence, Andr. III. 5. 1.

O me miserum. In the codex of Pithæus, *o me me miserum.* The reason why he calls himself "wretched" follows immediately after. — *Per hos.* "By means of those," *i. e.* with the assistance of the senators, knights, &c. many of whom were now sitting as judges. — *Ego te in patria.* And yet this would appear more possible of the two. — *Qui nunc abes.* Quintus Cicero, the orator's brother, was at this time in Gaul, serving as lieutenant to Julius Cæsar. — *Consorti mecum.* "The partner in all my calamities." "Qui illo quoque tempore pulsus fuisti mecum in exilium." *Juncker.* — *Quæ est grata gentibus.* Comp. c. 8. 14. 28. 35. — *Ab iis qui maxime.* "From those who most of all obtained rest and security by the death of Clodius." — *Quod in me tantum. Admittere in se* is put for the simple *admittere*, "to commit," "perpetrate." Comp. c. 23. de Legg. II. 7. Phil. II. 19. Terence, Adelph. IV. 5. 48. Horace, Epist. I. 16. 53.

Judices, cum illa indicia communis exitii indagavi, patefeci, protuli, extinxi? Omnes in me meosque redundant ex fonte illo dolores. Quid me reducem esse voluistis? an ut, inspectante me, expellerentur ii, per quos essem restitutus? Nolite, obsecro vos, pati, mihi acerbiorem reditum esse, quam fuerit ille ipse discessus. Nam qui possum putare me restitutum esse, si distrahor ab iis, per quos restitutus sum?

XXXVIII. Utinam Dii immortales fecissent, (pace tua, patria, dixerim; metuo enim, ne scelerate dicam in te, quod pro Milone dicam pie:) utinam P. Clodius non modo viveret, sed etiam prætor, consul, dictator esset, potius quam hoc spectaculum viderem! O Dii immortales! fortem, et a vobis, Judices, conservandum virum! Minime, minime, inquit. Immo vero pœnas ille debitas luerit; nos subeamus, si ita necesse est, non debitas. Hiccine vir, patriæ natus, usquam, nisi in patria, morietur?

Quid is joined with *tantum* in Virgil, Æn. I. 235. "Quid meus Æneas in te committere tantum," &c. Comp. II. 282. — *Indagavi.* A metaphor from hunting. — *Extinxi.* This does not refer to *judicia*, but to *exitium*, understood, meaning the conspiracy of Catiline. — *In me meosque.* Cicero attributes the grand source of all his calamities to the execution of Catiline's accomplices.

Chap. XXXVIII. *Utinam Dii immortales.* "Would that the immortal Gods had granted—with thy permission, oh my country, I would utter it; for I am apprehensive that what I shall say with pious affection for Milo, will be said impiously against thee — would that P. Clodius were not only living," &c. — *Pace tua.* So "pace horum dixerim," Orat. I. 17. "pace majestatis ejus dixerim," Vell. II. 129. Comp. Tusc. V. 5. Terence, Eun. III. 2. 13. This was expressed also by "bona venia tua." Comp. Orat. I. 57. Livy, VI. 40. —— *Sed etiam prætor.* But Cicero had previously said, that Clodius would have perpetrated all manner of crimes if he had been either prætor or consul. Comp. c. 9. — *Viderem.* For "videre possem." Comp. c. 26. — *Minime, minime.* The words of Milo in reply to, *Utinam P. Clodius non modo viveret, &c.* and repeated by Cicero: "Not so, not so, my client replies, let the ruffian suffer the punishment he has deserved; and let me undergo, if fate will so have it, the punishment I have not deserved."

Patriæ natus. "Born for the good of his country."—*Animi monumenta.* "The memorials of his noble soul." "Virtutis egregia facinora." *Zurck.* —*Usquam, nisi in patria.* To die and receive the rites of sepulture in a

aut, si forte, pro patria? Hujus vos animi monumenta retinebitis; corporis in Italia nullum sepulcrum esse patiemini? Hunc sua quisquam sententia ex hac urbe expellet, quem omnes urbes expulsum a vobis ad se vocabunt? O terram illam beatam, quæ hunc virum exceperit! hanc ingratam, si ejecerit! miseram, si amiserit! Sed finis sit. Neque enim præ lacrymis jam loqui possum; et hic se lacrymis defendi vetat. Vos oro, obtestorque, Judices, ut, in sententiis ferendis, quod sentietis, id audeatis. Vestram virtutem, justitiam, fidem, mihi credite, is maxime probabit, qui in judicibus legendis, optimum, et sapientissimum, et fortissimum quemque delegit.

foreign land was considered a great calamity by the ancients. — *Si forte.* A Grecism: εἰ τύχοι. Comp. Orat. III. 12. Muret. Varr. Lectt. XVI. 9.

Sed finis sit. He breaks off abruptly, as if prevented by tears from proceeding. — *Et hic se lacrymis.* "And Milo, who confides wholly in your justice and the merits of his cause, forbids himself to be defended by tears." Comp. c. 34. — *Is maxime probabit.* "Pompey especially will approve of your favourable decision." This is said to remove all suspicion of unfriendly feeling, which Pompey was supposed to entertain for Milo.

Of the fifty-one judges, who sat at Milo's trial, thirteen only acquitted, and thirty-eight condemned him. The votes were usually given by ballot; but Cato, who absolved him, chose to give his vote openly; and "if he had done it earlier, says Velleius, II. 47. would have drawn others after him; since all were convinced, that he, who was killed, was, of all who had ever lived, the most pernicious enemy to his country, and to all good men." Milo went into exile to Marseilles, a few days after his condemnation. His debts were so great, that he was glad to retire the sooner from the importunity of his creditors; for whose satisfaction his whole estate was sold by public auction. — The next trial before the same tribunal, and for the same crime, was that of M. Saufeius, one of Milo's party, charged with being the ringleader in storming the inn, and killing Clodius. He was defended by Cicero, and acquitted by one vote only; but being accused a second time on the same account, though on a different charge, and again defended by Cicero, he was acquitted by a great majority. But Sextus Clodius, the leader of the opposite party, had not the luck to escape so well: he was condemned and banished with several others of that faction, to the great joy of the city, for burning the senate-house, and the other violences committed in consequence of the death of Clodius.

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